

9-14-2011

State v. Tyler Clerk's Record Dckt. 39014

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Fifth Judicial District Court - Twin Falls County

ROA Report

Case: CR-2010-0012574 Current Judge: G. Richard Bevan

Defendant: Tyler, Brent Jacob Jr.

Date: 9/14/2011

Time: 10:39 AM

Page 1 of 5

State of Idaho vs. Brent Jacob Tyler Jr.

Date	Code	User		Judge
11/12/2010	NCRF	BRYANT	New Case Filed-Felony	Thomas D. Kershaw Jr.
	PROS	BRYANT	Prosecutor assigned Grant Loeb	Thomas D. Kershaw Jr.
	CRCO	BRYANT	Criminal Complaint	Thomas D. Kershaw Jr.
	AFWT	BRYANT	Affidavit In Support Of Complaint Or Warrant For Arrest	Thomas D. Kershaw Jr.
	TFJP	BRYANT	Twin Falls County Jail Packett	Thomas D. Kershaw Jr.
	HRSC	BRYANT	Hearing Scheduled (Preliminary 11/19/2010 08:15 AM)	Thomas D. Kershaw Jr.
		BRYANT	Notice Of Hearing	Thomas D. Kershaw Jr.
	CCPI	BRYANT	Twin Falls County Court Compliance Program Interview	Thomas D. Kershaw Jr.
	ARRN	BRYANT	Arraignment / First Appearance	Thomas D. Kershaw Jr.
	NORF	BRYANT	Notification Of Rights Felony	Thomas D. Kershaw Jr.
	TFPA	BRYANT	Twin Falls County Public Defender Application - Appointed	Thomas D. Kershaw Jr.
	CMIN	BRYANT	Court Minutes	Thomas D. Kershaw Jr.
	ORTA	BRYANT	Order to Appear	Thomas D. Kershaw Jr.
	ORPD	BRYANT	Order Appointing Public Defender	Thomas D. Kershaw Jr.
	OCCR	BRYANT	Order of Participation in Court Compliance as Condition of Release	Thomas D. Kershaw Jr.
	BSET	BRYANT	BOND SET: at 5000.00	Thomas D. Kershaw Jr.
11/15/2010	REQD	PIERCE	Request For Discovery/defendant	Thomas D. Kershaw Jr.
	RESD	PIERCE	Response To Request For Discovery/defendant	Thomas D. Kershaw Jr.
11/19/2010	WAVP	YOCHAM	Waiver Of Preliminary Hearing	Thomas D. Kershaw Jr.
	CMIN	YOCHAM	Court Minutes	Thomas D. Kershaw Jr.
	BOUN	YOCHAM	Hearing result for Preliminary held on 11/19/2010 08:15 AM: Bound Over (after Prelim)	Thomas D. Kershaw Jr.
	OADC	ROBINSON	Order Holding Defendant To Answer To District Court	G. Richard Bevan
	HRSC	BARTLETT	Hearing Scheduled (Arraignment 11/29/2010 08:30 AM)	G. Richard Bevan

State of Idaho vs. Brent Jacob Tyler Jr.

Date	Code	User		Judge
11/19/2010		BARTLETT	Notice Of Hearing	G. Richard Bevan
11/26/2010	INFO	PIERCE	Information for a Felony, Namely: Possession of a Controlled Substance (Methamphetamine)	G. Richard Bevan
	REQP	PIERCE	Request For Discovery/plaintiff	G. Richard Bevan
	RESP	PIERCE	Response To Request For Discovery/plaintiff	G. Richard Bevan
11/29/2010	ARRN	BARTLETT	Hearing result for Arraignment held on 11/29/2010 08:30 AM: Arraignment / First Appearance	G. Richard Bevan
	DCHH	BARTLETT	District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated:	G. Richard Bevan
	CMIN	BARTLETT	Court Minutes	G. Richard Bevan
11/30/2010	HRSC	BARTLETT	Hearing Scheduled (Entry of Plea 12/13/2010 08:45 AM)	G. Richard Bevan
	NOHG	COOPE	Notice Of Hearing	G. Richard Bevan
12/3/2010	SUPR	BANYAI	Supplemental Response To Request For Discovery	G. Richard Bevan
12/9/2010	SUPR	BANYAI	Supplemental Response To Request For Discovery	G. Richard Bevan
12/10/2010	HRSC	BARTLETT	Hearing Scheduled (Bond Reduction 01/03/2011 10:30 AM)	G. Richard Bevan
	MOTN	BANYAI	Motion for Bond Reduction	G. Richard Bevan
12/13/2010	DCHH	BARTLETT	Hearing result for Entry of Plea held on 12/13/2010 08:45 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated:	G. Richard Bevan
	CMIN	BARTLETT	Court Minutes	G. Richard Bevan
	APNG	BARTLETT	Appear & Plead Not Guilty	G. Richard Bevan
12/14/2010	HRSC	BARTLETT	Hearing Scheduled (Jury Trial 03/08/2011 09:00 AM) 2 days	G. Richard Bevan
	HRSC	BARTLETT	Hearing Scheduled (Pretrial Conference 02/28/2011 11:00 AM)	G. Richard Bevan
	ORDR	BARTLETT	Order Governing Further Criminal Proceedings and Notice of Trial Setting	G. Richard Bevan
12/15/2010	NOHG	AGUIRRE	Notice Of Hearing	G. Richard Bevan
1/3/2011	DCHH	BARTLETT	Hearing result for Bond Reduction held on 01/03/2011 10:30 AM: District Court Hearing Held Court Reporter: Denise Schloeder Number of Transcript Pages for this hearing estimated:	G. Richard Bevan
	CMIN	BARTLETT	Court Minutes	G. Richard Bevan
	ORDR	BARTLETT	Order Regarding Bond and Special Conditions (reduced to \$1500.00 with Court Compliance)	G. Richard Bevan

State of Idaho vs. Brent Jacob Tyler Jr.

Date	Code	User	Judge
1/5/2011	HRSC	BARTLETT	Hearing Scheduled (Motion 01/31/2011 11:30 AM) to Amend Information
1/11/2011	NOHG	PIERCE	Notice Of Hearing
	SUPR	PIERCE	Supplemental Response To Request For Discovery
	MOTN	BANYAI	State's Ex Parte Motion For An Order To Amend Information
1/31/2011	DCHH	BARTLETT	Hearing result for Motion held on 01/31/2011 11:30 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated: to Amend Information
	CMIN	BARTLETT	Court Minutes
	ORDR	BARTLETT	Order to Amend Information
	INFO	BARTLETT	Amended Information: Part I - Possession of a Controlled Substance (Methamphetamine), a Felony Part II - Notice of Intent to Seek Enhanced Penalty on Controlled Substance Crimes
2/22/2011	BNDS	BANYAI	Bond Posted - Surety (Amount 1500.00)
		BANYAI	Miscellaneous Payment: Sheriff Fees Paid by: Hometown Bail Bonds Receipt number: 1105135 Dated: 2/22/2011 Amount: \$10.00 (Cash)
	PTAP	BANYAI	Promise To Appear
	TFCC	PIERCE	Twin Falls County Court Compliance Program Agreement in Lieu of Incarceration
2/25/2011	SUPR	PIERCE	Supplemental Response To Request For Discovery and Witness List
	MISC	PIERCE	State's Exhibit List
2/28/2011	DCHH	BARTLETT	Hearing result for Pretrial Conference held on 02/28/2011 11:00 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated:
	CMIN	BARTLETT	Court Minutes
	CONT	BARTLETT	Continued (Jury Trial 07/19/2011 09:00 AM) 2 days
3/1/2011	HRSC	BARTLETT	Hearing Scheduled (Pretrial Conference 07/11/2011 11:00 AM)
		BARTLETT	Notice Of Hearing
3/3/2011	ORDR	BARTLETT	Order
4/7/2011	MDIS	PIERCE	Motion to Suppress/Dismiss
	HRSC	BARTLETT	Hearing Scheduled (Motion to Suppress 05/31/2011 01:30 PM)
	NOHG	PIERCE	Notice Of Hearing

State of Idaho vs. Brent Jacob Tyler Jr.

Date	Code	User	Judge
4/21/2011	MOTN	BANYAI	State's Ex Parte Motion To Continue Motion to Suppress
4/26/2011	ORDR	BARTLETT	Order Granting State's Ex Parte Motion to Continue Motion to Suppress and Notice of Hearing
	CONT	BARTLETT	Continued (Motion to Suppress 05/16/2011 02:30 PM)
5/13/2011	SUPR	PIERCE	Supplemental Response To Request For Discovery
5/16/2011	HRVC	BARTLETT	Hearing result for Motion to Suppress held on 05/16/2011 02:30 PM: Hearing Vacated
5/20/2011	HRSC	BARTLETT	Hearing Scheduled (Motion to Suppress 06/27/2011 11:00 AM)
	NOHG	PIERCE	Amended Notice Of Hearing
6/14/2011		BARTLETT	Notice Of Hearing
6/16/2011	MODQ	PIERCE	Motion To Disqualify Alternate Judge
6/17/2011	ORDQ	BARTLETT	Order of Disqualification of Alternate Judge (Elgee)
6/27/2011	DCHH	BARTLETT	Hearing result for Motion to Suppress scheduled on 06/27/2011 11:00 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated:
	CMIN	BARTLETT	Court Minutes
7/11/2011	ORDR	BARTLETT	Order Granting Motion to Suppress
	DCHH	BARTLETT	Hearing result for Pretrial Conference scheduled on 07/11/2011 11:00 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated:
	HRVC	BARTLETT	Hearing result for Jury Trial scheduled on 07/19/2011 09:00 AM: Hearing Vacated 2 days
	HRSC	BARTLETT	Hearing Scheduled (Status 08/29/2011 09:30 AM)
		BARTLETT	Notice Of Hearing
	CMIN	COOPE	Court Minutes
7/22/2011	NTOA	COOPE	Notice Of Appeal
	APSC	COOPE	Appealed To The Supreme Court
7/27/2011	CCOA	COOPE	Clerk's Certificate Of Appeal
7/28/2011	COAF	HANSON	Change of Address Form from Misdemeanor Probation
8/2/2011	SCDF	COOPE	Supreme Court Document Filed- Notice of Appeal Filed (T)

Date: 9/14/2011

Fifth Judicial District Court - Twin Falls County

User: COOPE

Time: 10:39 AM

ROA Report

Page 5 of 5

Case: CR-2010-0012574 Current Judge: G. Richard Bevan

Defendant: Tyler, Brent Jacob Jr.

State of Idaho vs. Brent Jacob Tyler Jr.

Date	Code	User		Judge
8/8/2011	SCDF	COOPE	Supreme Court Document Filed- Clerk's Certificate Filed	G. Richard Bevan
8/12/2011	NOHG	PIERCE	Notice Of Hearing	G. Richard Bevan
	MOTN	PIERCE	Motion to Release Defendant from Court Compliance	G. Richard Bevan
8/29/2011	DCHH	BARTLETT	Hearing result for Status scheduled on 08/29/2011 09:30 AM: District Court Hearing Held Court Reporter: Virginia Bailey Number of Transcript Pages for this hearing estimated: also Motion to Release from Court Compliance	G. Richard Bevan
	CMIN	BARTLETT	Court Minutes	G. Richard Bevan
9/1/2011	ORDR	BARTLETT	Order	G. Richard Bevan
9/6/2011	NOTC	COOPE	Notice of Reporter's Transcript Lodged; Virginia Bailey; June 27, 2011 Motion to Suppress	G. Richard Bevan
	LODG	COOPE	Lodged: Transcript on Appeal	G. Richard Bevan

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 12 AM 10:55

BY _____

CLERK

DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83301
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

BRENT JACOB TYLER, JR.,

Defendant,

Case No. CR 10- 12574

CRIMINAL COMPLAINT

DOB: [REDACTED]

SSN: [REDACTED]

Personally appears before me this 12 day of November, 2010, Julie Sturgill, Deputy
Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this complaint, pursuant to
Idaho Criminal Rule 3 and based upon the attached sworn affidavit, that BRENT JACOB
TYLER, JR., did commit the following:

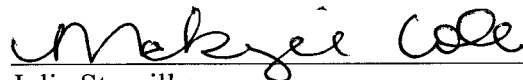
CRIMINAL COMPLAINT - 1

ORIGINAL

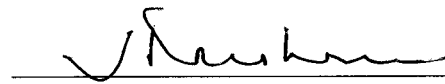
POSSESSION OF A CONTROLLED SUBSTANCE
Felony, I.C. 37-2732(c)(1)

That the Defendant, BRENT JACOB TYLER, JR., on or about the 11th day of November, 2010, in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance, in violation of Idaho Code Section 37-2732(c)(1).

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.


Julie Sturgill
Deputy Prosecuting Attorney

Signed before me this 12 day of November, 2010.


Judge

Prosecuting Attorney
for Twin Falls County
Twin Falls, Idaho 83303

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

1006147

2010 NOV 12 AM 10:56

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE CLERK
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

Tyler, Brent, J.,

DOB: [REDACTED]

SS: [REDACTED]

Defendant.

AFFIDAVIT IN SUPPORT OF
COMPLAINT

STATE OF IDAHO,

County of Twin Falls

ss.

I, Nathan Silvester, being first duly sworn, state that
my answers to the questions asked by the Court with reference to
said Complaint are as follows:

1. Did you personally observe the act(s) being committed as
alleged in the Complaint?

ANSWER: Yes.

2. Please state the information which gives you reason to
believe the above-named defendant committed the crime(s) alleged
in the Complaint.

- AFFIDAVIT

ANSWER: On November 11, 2010 at approximately 2000 hours Detective Clements and I were surveying a house at 161 Shoup Ave. in the City and County of Twin Falls, ID. We suspected this residence to be a source of drug activity.

I observed a black Volkswagon Jetta parked parallel in front of the residence. The Jetta pulled out onto shoup without signaling and turned north on Adams St. without signaling or stopping at the stop sign.

Officer Arredondo assisted us in stopping the vehicle. The passenger of the car identified himself with an Idaho identification card as Brent Tyler. Mr. Tyler gave Officer Arredondo permission to pat him down. As Officer Arredondo performed a pat down he felt what he believed was a syringe in Mr. Tyler's shirt pocket. Based on my training and experience I know that syringes are often used by methamphetamine users to inject liquid methamphetamine intravenously. The syringe contained a liquid that I suspected to be methamphetamine. Mr. Tyler was taken into custody and a full search of his person was conducted. Officer Arredondo found a plastic Ziploc type bag in Mr. Tyler's pants pocket. It contained two large white crystals which I suspected through my training and experience to be methamphetamine.

Mr. Tyler was transported to the Twin Falls County Jail and booked on possession of methamphetamine.

Detective Clements tested the suspected methamphetamine in crystal form and liquid form with a NARK II drug identification test kit. It tested presumptively positive for methamphetamine.

3. What further information do you have giving you reasonable grounds to believe that the Defendant committed the crime(s) alleged?

ANSWER: No

- AFFIDAVIT

4. Do you believe a warrant should be issued?

ANSWER: No, in custody

5. Set out any information you have, and its source, as to why a warrant instead of a summons should be issued?

ANSWER: n/a

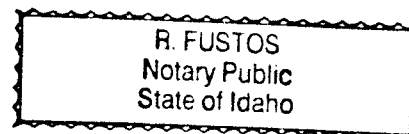
See attached Warrant Information Page.

DATED this 11th day of November, 2010.

Nathan Shucrover
Affiant

Subscribed to and sworn before me this 11th day of
November, 2010.

R. Fustos
NOTARY PUBLIC
Residing at: Twin Falls, ID
My commission expires: 10/04/2012



- AFFIDAVIT

WARRANT INFORMATION

DEFENDANT(S) Brent J. Tyler

Factors to be considered in setting bond on Warrant.

1. The residence of the Defendant.

1335 7th Ave. E. Twin Falls, ID 83301

2. The employment of the Defendant.

none

3. The family relationship of the Defendant in the Community.

unknown

4. The past history of response of the Defendant to legal process.

see attached

5. The past criminal record of the Defendant.

see attached

6. The nature of the offense charged.

possession of methamphetamine

7. Whether there is reasonable cause to believe that the Defendant will flee prosecution or will fail to respond to a Summons.

no

8. Any other information justifying a Warrant.

no

- AFFIDAVIT

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

427 Shoshone Street North
Twin Falls, Idaho 83301

NOV 12 PM 2:50

BY _____ CLERK

TB DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

BRENT JACOB TYLER JR.
1335 7TH AVE EAST
TWIN FALLS, ID 83301

Defendant.

DOB: _____

DL: _____ ID

CASE NO: CR-2010-0012574

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that this case is set for:

Preliminary : Friday, November 19, 2010 08:15 AM
Judge: Honorable Thomas D. Kershaw Jr.

I hereby certify that copies of this Notice were served as follows on this date Friday, November 12, 2010.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Duff, Harris, Hodges, Holloway, Ingram, Israel, Kershaw, Redman, Robinson, Smyser, and Walker.

Brent Jacob Tyler Jr. ✓
_____ Mailed _____ Hand Delivered

Mailed

I received a copy of this notice.

Brent Jacob Tyler Jr.
Defendant's Signature

Grant Loebs, Prosecuting Attorney

_____ X _____ Folder

Defense Counsel

_____ X _____ Folder _____ Mailed

Dated: Friday, November 12, 2010

Kristina Glascock

Clerk of the District Court

By: _____

Deputy Clerk

DEFENDANT'S NAME: Brent Tyler

2010 NOV 12 PM 12:49

LEGAL STATUS (KNOWN)

BY TJB CLERK

Prior Felonies: ☒ YES NO Comments: 04 - Possession of Controlled Substance

Prior Misdemeanors: ☒ YES NO Comments: 01 - Possession Controlled Substance, 02 - Possession Paraphernalia, 05 - Possession Paraphernalia, 07 - Possession Controlled Substance

Prior Same as Present: ☒ YES NO Comments: 04 - felony

Other Pending Charges: yes - CR10-12464 - expired licence, CR10-12463 - no insurance

FTA's (w/in last 10 years): 2/6/01, 4/12/07, 5/22/07

Prior Probation Violations: yes - 3x - felony probation was revoked?

FTP's: _____

Pre-Sentence Violations: in felony case - 2x ex-parte motions to revoke release were filed with the courts

INFORMATION VERIFIED: YES ☒ NO ☐ PARTIALLY ☐

COMMENTS: Defendant has a high liklyhood to re-offend based on prior charges

would leave in the courts discretion

DATE: 11/12/10 COURT COMPLIANCE OFFICER: T. Malt

CCP REPORT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

2010 NOV 12 PM 2:50

BY _____
CLERK
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

BRENT TYLER JR.

Defendant.

CASE NO: CB-10-12574

NOTIFICATION OF RIGHTS--
FELONY

The purpose of this initial appearance is to advise you of your rights and charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Twin Falls County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have any questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgment of Rights

I have read this entire document and I understand these rights as set forth above.

11-12-10
Date

Brent Tyler Jr.
Defendant's signature

NOTIFICATION OF RIGHTS--1

Twin Falls County Public Defender Application

Every question on this application must be answered completely and you **MUST PROVIDE VERIFICATION OF INCOME** by way of pay stub, SSI statement, or by whatever means you obtain income and/or pay your expenses. Failure to do so may result in your application being denied and/or returned to you for completion.

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 12 PM 2:50

BY TB CLERK

Name BRENT TYLER JR.

Case No. _____

Address 1325 7TH AVE E

Home phone No. _____

City, State, Zip T.F. ID. 83301

Message phone No. 734-9863

Age 33 Marital status NO

Last 4 Digits of Social Security No. 7697

People who live in your house: list the names of dependents and/or people which you share income/expenses

Name	Relationship	Age	Employer
<u>0</u>			

Monthly Income:

All household income including income from SSI, Social Security, AFDC, Child Support, trust funds, food stamps, unemployment, etc. If unemployed, are you registered with job service? _____

Net Income	Source - (Ex: self, spouse)	Employer
<u>UNEMPLOYED</u>		

Monthly Expenses:

Rent \$ 0
Water \$ 0
Electricity \$ 0
Gas Heat \$ 0
Phone \$ 0

HOMELESS

Food \$ 0
Property Taxes \$ 0
Cable \$ 0

Car Payment \$ 0
Gasoline \$ 0
Veh. Maintenance \$ 0
Veh. Insurance \$ 0
Home Insurance \$ 0

Non-Food Item:

- 0
-
-

Total Owed:

Min. Mon. Pymt. Required:

Charge/Credit Cards:

- 0
-
-

Total Owed:

Min. Mon. Pymt. Required:

Other Item:

- 0
-
-

Total Owed:

Min. Mon. Pymt. Required:

Monthly Child Support Payments:

I am required to pay monthly child support in the amount of \$ 170.00

I am now paying \$ _____ each month for child support.

My payments are current. ☐ Yes ☒ No

Assets:

Including vehicles, real estate (house), cash on hand, savings, credit union, household goods, etc.

Item (Year, model, make)

Value

Amount Owning

0		

Public DefenderHave you applied for the public defender in the past? ☒ Yes ☐ No When? 2004Were you appointed ☒ or denied ☐ the public defender?**Acknowledgment**

Based upon the foregoing facts, I declare that I am without funds to hire an attorney and request that the court appoint the Public Defender for Twin Falls County to represent me. I further understand that I could be required to reimburse Twin Falls County for the services of the public defender. These funds will go to the county. I hereby declare, under penalty of perjury, that I have examined the foregoing statement and my answers are true and correct to the best of my knowledge. I further understand that upon request, I could be required to supply the court with copies of my income tax returns.

Brent J. Tyler
Defendant (signature must be witnessed)

Subscribed and sworn to before me this _____ day of _____, _____.

or

Witnessed by Sheriff's Deputy

Court official authorized to administer oaths
or Notary Public**Information Release**

I, BRENT J TYLER authorize my relatives, banker, credit union, physician(s), hospital(s) and any other persons or organizations, including the State Department of Health & Welfare, Social Security Administration, Veterans Administration, law enforcement agencies, courts, Idaho Department of Employment or employee having information concerning me/us or my/our circumstances to provide the information to such representatives of Twin Falls County insofar as is pertinent to the application.

I hereby authorize Twin Falls County and/or its representative to perform a credit check/report for purposes of verifying the need for being appointed a public defender to represent me.

I hereby authorize a photostat copy of this agreement to be used when necessary and give it full force as the original. This release is valid as long as it is pertinent to this application.

Dated this 12 day of 11 MONTH, 2000.

Brent J. Tyler
Defendant (signature must be witnessed)

000017

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 12 PM 2:50

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

CLERK

DEPUTY

ARRAIGNMENT MINUTES

Date 11-12-10 Time 1:00 PM Counter 127 Case No. CR-10-12574
Judge KERSHAW Deputy Clerk T. HAISTAD Interpreter _____ Ctrm # 3

State of Idaho

Attorney

vs Brent Tyler JR.

Attorney

Offense: POSS. Controlled Sub.

☒ Appeared in person ☒ Bond 5000 ☐ per warrant ☐ Agent's warrant ☐ OR release ☒ Court Compliance program
☐ Failed to appear ☐ Warrant issued ☐ Walk In Arraignment/Summons ☐ Bond previously posted

☐ Complaint read ☐ Probation violation read ☐ Defendant waived reading of probation violation
☒ Rights and penalties given ☒ Rights form signed ☒ Rights and penalties understood

☐ Defendant waived counsel ☐ Private counsel _____ ☐ to hire
☒ Public defender appointed ☐ Public defender denied ☐ Public defender confirmed/continued

☐ Plead not guilty
☐ Plead guilty
☐ Court accepted plea

☐ Pretrial
☐ Court trial
☐ Sentencing
☒ Prelim 11/19/10 @ 8:15 am
☐ Fugitive (identity)
☐ Arraignment
☐ Hearing to be set

☐ PV - admit
☐ PV - deny

☐ Admit/Deny set
☐ Evidentiary set
☐ Disposition set
☐ Status set

☐ SEE SENTENCING MINUTES

Conditions of bond/OR release/probation:

☐ AGENT'S WARRANT - To be replaced in 72 hours or defendant to be released

☒ Check in with public defender immediately upon release

☒ Check in with court compliance officer; Pay costs associated with court compliance ☐ SCRAM unit authorized

☐ Court entered no contact order

☐ Border patrol hold

☐ Do not enter country illegally.

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
2010 NOV 12 PM 2:50

IN DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,

Plaintiff,

vs.

Brent Jacob Tyler Jr.,
1335 7th Ave East
Twin Falls ID 83301

Defendant.

BY _____
CLERK

Case No: CR-2010-0012574 JTY

ORDER TO APPEAR

You, Brent Jacob Tyler Jr., the above named Defendant are notified and ordered to comply as follows:

1. To personally appear at the Public Defender's Office, located at 231 4th Avenue North, Twin Falls, Idaho, on Immediately Upon Release, 20____ at _____ a.m./p.m. unless private counsel has been retained.
2. To keep the Public Defender's Office notified of your residential address, mailing address, phone number and place of employment.
3. To personally appear at and to keep each appointment with your Public Defender and the Court.

FAILURE TO COMPLY WITH THIS ORDER will result in the forfeiture of any bail posted or the revocation of your recognizance release, a warrant for your arrest and may result in the filing of contempt charges.

GOOD CAUSE HAVING BEEN SHOWN, the Public Defender of Twin Falls County is hereby appointed to represent you. You may be ordered to reimburse Twin Falls County Idaho for all or part of the cost of legal representation.

Dated this 12th day of November, 2010.

Brent Jacob Tyler Jr.
Defendant

[Signature]
Judge

Copies to: Public Defender
 Prosecutor
 Defendant

[Signature]
Deputy Clerk

2010 NOV 12 PM 2:49

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

BY TJB CLERK
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Brent Jacob Tyler Jr.

Defendant.

CASE NO. CR-2010-0012574

**ORDER FOR PARTICIPATION
IN COURT COMPLIANCE AS
CONDITION OF RELEASE**

IT IS HEREBY ORDERED, as a condition of either the Defendant's release on his own recognizance or by posting bond, that the above-named Defendant shall submit to monitoring and supervision by the Court Compliance Program ("CCP") administered by the Twin Falls County Adult Probation Department. Defendant is required to sign up with the Court Compliance Program within one (1) hour of release from custody. The Court Compliance Office is located at 245 3rd Ave. N., Twin Falls, Idaho.

The monitoring and supervision may include, but may not be limited to, compliance with any reporting requirements imposed by CCP representatives; submitting to tests of Defendant's blood, breath, urine, saliva, hair or other bodily fluids or tissues; complying with curfews or other directives relating to Defendant's living circumstances, activities or personal associations, and the like.

Any search of the defendant's person or property, except as otherwise specified herein, is authorized if there is probable cause or other legal basis, including consideration of the defendant's consent, for such search.

☒ The court makes a specific finding, based upon the nature of the alleged crime as described in the court's file, the recommendations of counsel and the Defendant's criminal

history, that a requirement for drug and/or alcohol testing should be imposed in this case and is reasonably related to the purposes for pre-trial release, including the protection of the public and ensuring the appearance of the Defendant at future court proceedings. Therefore the court authorizes CCP representatives to require, as a condition of the Defendant's release,

☒ Drug testing

☒ Alcohol testing

IT IS FURTHER ORDERED that immediately upon release from custody, Defendant shall meet with CCP officers to sign up for the Court Compliance program, and provide both residential and employment addresses, and phone numbers as required. If any of these things change, the defendant will inform court compliance of the change.


IT IS FURTHER ORDERED, and Defendant agrees by signing this document, that Defendant shall pay all fees and other charges levied by the Court Compliance Program, including but not limited to costs for sample collection or testing, and charges for participation in the program.

NOTICE

Any failure to comply with this order or with the requirements of the Court Compliance Program may result in the revocation of any order of release (whether or not such release was secured by bond, cash or other collateral or upon the Defendant's own recognizance), the forfeiture of any bond posted, and the issuance, without notice, of a bench warrant for the Defendant's immediate arrest. By acknowledging his or her receipt of this order, Defendant specifically accepts this condition of release and waives all right to notice of violating the conditions of release on bail, and any bail revocation hearing.

DATED this 12th day of November, 2010.


Received And Acknowledged


Magistrate/District Judge

224
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, Idaho 83303-0126
Telephone: (208) 734-1155
Fax: (208) 734-1161

DISTRICT COURT
TWIN FALLS, IDAHO
FILED

2010 NOV 15 AM 11:58

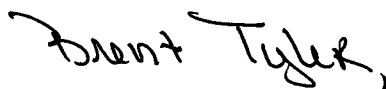
BY  CLERK
OFFICE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)

Plaintiff,)

v.)



Defendant.)

Case No. CR 10-12574

REQUEST FOR DISCOVERY

TO: GRANT P. LOEBS, Prosecutor for the County of Twin Falls, State of Idaho,
and his agents:

The Defendant in the above-entitled case by and through his/her attorney, Marilyn B. Paul, and her agents, does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1) Pursuant to Idaho Code §18-6708, Rule 16 of the Idaho Criminal Rules, Article 1 §13 of the Idaho Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, and United States Code Annotated 18-2518, the Defense requests immediate disclosures of the dates and times of any interceptions of any wire or oral communications of Defendant, the contents of any wire or oral communications of Defendant

or evidence derived therefrom, a copy of the application and Order authorizing interception of any oral or wire communications of defendant, the date of the entry and the period authorized, any authorization to intercept wire or oral communications of Defendant or intercept surveillance of telephones listed in Defendant's name, or at Defendant's home or place of business.

2) The Defense requests access to the original tapes of all taped telephone contacts and/or "body wire" surveillance contacts by any person at any time with the Defendant and/or other persons during the course of the criminal investigation of the Defendant.

3) The Defense requests to be a copy of any written agreement of cooperation with any witness expected to be called at trial or who were utilized in the investigation of this criminal action, any and all Confidential Informant supervision documents, full records of payment to any Confidential Informant, police reports of any crimes in which any State's witness was suspect, the identity of any probation and/or parole officer that was supervising any State's witness, and any and all probation and/or parole records pertaining to any State's witness.

4) Any material or information within your possession or control, or which hereafter comes into your possession or control, which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore. This request extends to material and information in the possession or control of members of your staff and of any others who have participated in the investigation or evaluation of the case who either regularly report, or with reference to the particular case have reported to the office of the prosecuting attorney;

5) Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the State the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant oral statement made by the Defendant whether before or after arrest to a peace officer, prosecuting attorney, or his agent; and any recorded testimony of the Defendant before a grand jury which relates to the offense charged;

6) The prior criminal record of the Defendant, if any, as is now or may become available to the prosecuting attorney;

7) Any written or recorded statements of a co-defendant; including but not limited to the substance of any relevant oral statements made by a co-defendant, whether before or after arrest in response to interrogation by any person.

8) Any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the Defendant;

9) Any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with a particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence;

10) A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior convictions of any such person which is within the knowledge of the prosecuting attorney or his agents or to any official involved in the investigatory process of

the case;

11) The statements made by the above listed prosecution witness or any prospective prosecution witnesses to the prosecuting attorney or his agents or to any official involved in the investigatory process of this case.


12) Any reports and memoranda in your possession which were made by a police officer or investigator in connection with the investigation or prosecution of the case. For all law enforcement notes including handwritten notes.

13) The Defense requests pursuant to Idaho Rule of Criminal Procedure 16(b)(8) and I.R.E. 705 that the Prosecution provide the Defense with the qualifications of any person to be tendered as an expert witness in this prosecution pursuant to IRE 702; the facts and data upon which the offered expert bases any opinion or inference they will be offering in this prosecution; a complete content of any expert opinion the prosecution will offer as assisting the trier of fact to understand the evidence or determine any fact at issue in this criminal prosecution.

Defendant requests that the above information be delivered to counsel within fourteen (14) days of the date of this request, or if not deliverable, the undersigned requests permission to inspect and copy said information, evidence and materials on the 29 day of November, 2010, at the hour of 3:00 P.M.

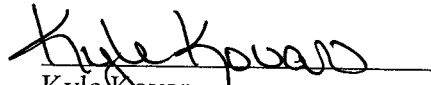
DATED This 15 day of November, 2010.

PUBLIC DEFENDER'S OFFICE

By: 
Marilyn B. Paul
Chief Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
REQUEST FOR DISCOVERY AND INSPECTION to be delivered to the office of Grant Loeb
on the 15 day of November, 2010.



Kyle Kovar
Officer Manager

266
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, Idaho 83303-0126
Telephone: (208) 734-1155
Fax: (208) 734-1161

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2010 NOV 15 AM 11:58

BY [Signature] CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,

Plaintiff,

v.

Brent Tyler

Defendant.

Case No. CR 10-12574

RESPONSE TO REQUEST
FOR DISCOVERY

COMES NOW, the Defendant, by and through his/her attorney and submits the
following Response to Request for Discovery:

1. The Defendant has no copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are intended to be produced as evidence at trial at this time.

2. The Defendant has no copy of photograph results or reports of physical or mental examinations, scientific tests of experiments made in connection with this case that the Defendant intends to provide as evidence at trial at this time.

3. The defense may call the Defendant in this action; Leroy Ramos, Investigator for the Office of the Public Defender in addition to those witnesses listed in the State's Response to Discovery and Supplemental Response to Discovery, if any. Defendant objects to the remainder of information requested as beyond the scope of

RESPONSE TO REQUEST TO DISCOVERY - 1

permissible Discovery under I.C.R. 16.

4. That in the event the Defendant discovers additional evidence or witnesses to be called at trial, prior to and during trial, evidence will be subjected to inspection by the Prosecuting Attorney, and Defendant reserves the right to file Supplemental Responses with respect to any additional evidence or witnesses.

5. In response to the Prosecution's request for notice of alibi, the Defendant requests written notice of the exact location of the subject offense or offenses.

DATED this 15 day of November, 2010.

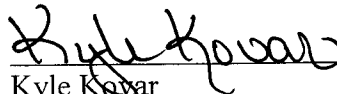
OFFICE OF THE PUBLIC DEFENDER



Marilyn B. Paul
Chief Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY to be forwarded, via courthouse mail, to the office of the Prosecuting Attorney, County of Twin Falls, Idaho, on the 15 day of November, 2010.



Kyle Kovar
Office Manager

RESPONSE TO REQUEST TO DISCOVERY - 2

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE COURT

NOV 19 PM 2:15

BY _____ CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

BRENT TYLER

Defendant.

Case No. CR 10-12574

WAIVER OF PRELIMINARY HEARING

By signing this document, the undersigned defendant hereby waives the right to have a preliminary hearing in this matter. By waiving my right to have a preliminary hearing, I am not admitting guilt in this matter, but am acknowledging that the state could produce sufficient evidence for the court to bind me over to the district court to answer to the charge of: ROBBERY I understand that by waiving the preliminary hearing, the magistrate will bind the case over to district court for me to answer these charge(s).

I have discussed the consequences of waiving the preliminary hearing with my attorney. Being fully advised, I hereby waive my right to a preliminary hearing in this case.

DATED this 19 day of Nov, 20 10.

Brent Tyler
Defendant

Jim
Defense Attorney

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION
DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

MINUTES FOR PRELIMINARY HEARING

JUDGE: Kershaw
DEPUTY CLERK: L Robinson
CASE # CR 10 12574

DATE: 2010 NOV 19 PM 2:15
TIME: 8:15
TAPE: 8:41
COURTROOM: 6
CLERK
DEPUTY

THE STATE OF IDAHO,
Plaintiff,

ATTY: Stan Hollaway

vs.

Brent Tyler Jr.
Defendant.

ATTY: George Essma

☒ In Custody ☐ Not Present ☐ Failed to Appear

THE DEFENDANT IS CHARGED WITH:

Possession of Controlled substance

COURT REVIEWED THE FILE.

COURT READ THE COMPLAINT. COUNSEL WAIVED READING.

☒ DEFENDANT WAIVED PRELIMINARY HEARING.

☒ WRITTEN WAIVER FILED

☒ DEFENDANT WAIVED **SPEEDY** PRELIMINARY HEARING.

☐ WRITTEN WAIVER FILED

☒ COURT GAVE THE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

WRITTEN OFFER SIGNED BY DEFENDANT AND FILED WITH THE COURT.

☒ COURT ACCEPTED WAIVER.

☒ **DEFENDANT WAS BOUND OVER TO DISTRICT COURT.**

STATE / DEFENSE REQUESTED A CONTINUANCE.

CONTINUED TO: _____

PRELIMINARY HEARING TO BE HELD _____ SEE PAGE 2

COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES _____ COURT GRANTED.

DEFENDANT BOUND OVER AFTER PRELIM

CASE DISMISSED/REDUCED AFTER PRELIM

☒ COUNSEL MOVED FOR BOND REDUCTION.

BOND WILL REMAIN THE SAME _____ O.R. RELEASE

☒ BOND RESET AT \$ 2500 (BOND IS FOR THIS CASE ONLY, UNLESS OTHERWISE POSTED)

☒ DEFENDANT TO ENROLL IN COURT COMPLIANCE UPON RELEASE/BOND

CONDITIONS OF BOND: _____

STATE DISMISSED THE CHARGE(S) _____

STATE REDUCED THE CHARGE(S) TO: _____

COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

DEFENDANT ENTERED GUILTY PLEA TO THE REDUCED CHARGE.

COURT ACCEPTED PLEA. SET FOR SENTENCING ON _____

COMMENTS:

State stipulated to bond reduction, has to sign up on court compliance immediately upon release from jail

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 19 PM 2: 15

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

BRENT JACOB TYLER JR.,

Defendant.

Case No. CR-2010-0012574

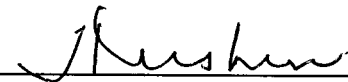
**ORDER HOLDING
DEFENDANT TO ANSWER TO
DISTRICT COURT**

☒ Defendant having freely, knowingly and voluntarily waived a preliminary hearing, I order that defendant be held to answer to the charge(s) of:
137-2732(C)(1) Controlled Substance-Possession of in the District Court.

☐ From the evidence presented, I find that the offense(s) of:
137-2732(C)(1) Controlled Substance-Possession of has/have been committed and there is sufficient cause to believe the defendant is guilty thereof. I order that defendant be held to answer in the District Court.

DATED 19 Nov 2010.

CC: Grant Loebs
Marilyn Paul


Magistrate Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 19 2010 2:51 PM

By [Signature]
Deputy Clerk

STATE OF IDAHO,
Plaintiff.

vs.

Brent Jacob Tyler Jr.
1335 7th Ave East
Twin Falls, ID 83301

Defendant.

DOB: [REDACTED]
DL: [REDACTED] ID

CASE NO: CR-2010-0012574

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment Monday, November 29, 2010 08:30 AM
Judge: Honorable G. Richard Bevan

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Friday, November 19, 2010.

Defendant: Brent Jacob Tyler Jr.

Mailed _____ Hand Delivered _____

Private Counsel:
Marilyn Paul
Twin Falls Public Defender
P.O. Box 126
Twin Falls ID 83303-0126

Mailed _____ Hand Delivered Box

Prosecutor: Grant Loeb

Mailed _____ Hand Delivered Box

Dated: Friday, November 19, 2010
Kristina Glascock
Clerk of the District Court

By: [Signature]
Deputy Clerk

Notice Of Hearing


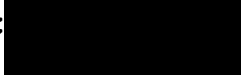
148
GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

DISTRICT COURT
TWIN FALLS CO. IDAHO

2010 NOV 26 AM 11:16

BY  CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

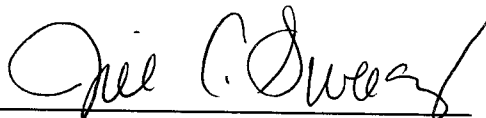
STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
	)	INFORMATION FOR A FELONY, NAMELY:
vs.	)	POSSESSION OF A CONTROLLED
	)	SUBSTANCE (METHAMPHETAMINE)
BRENT JACOB TYLER, JR.,)	
	)	DOB: 
Defendant.	)	SSN: 
_____)	

Jill C. Sweesy, Senior Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that BRENT JACOB TYLER, JR., the above-named defendant, is accused by this Information of the crime of POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE), a Felony.

POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)
Felony, I.C. § 37-2732(c)(1)

That the defendant, BRENT JACOB TYLER, JR., on or about November 11, 2010, in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit: methamphetamine, a Schedule II controlled substance, in violation of Idaho Code § 37-2732(c)(1).

DATED this 24th day of November, 2010.



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of November, 2010, I served a copy of the foregoing **INFORMATION** thereof into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

for Kristal Murhead
Willie Coker
Case Assistant

148

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2010 NOV 26 AM 11:15

BY [Signature] CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	REQUEST FOR DISCOVERY
)	
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

TO: THE OFFICE OF THE PUBLIC DEFENDER, Attorney of Record for the above-named defendant.

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1. To furnish the Prosecuting Attorney's Office with copies of any photograph books,

papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody, or control of the defendant, and which defendant intends to introduce in evidence at the trial.

2. To provide the Prosecuting Attorney's Office with copies of any results or reports of physical or mental examinations and scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

3. To furnish the Prosecuting Attorney's Office a list of names, addresses, and phone numbers of witnesses he intends to call at trial as well as a detailed summary of said witness' expected testimony.

4. Please provide, pursuant to I.R.E. 705, the names, addresses and credentials of expert witnesses expected to testify at the trial of this cause. Also set forth the facts and data upon which the expert(s) will rely, and the opinion(s) to be given by such expert(s).

5. That if, subsequent to compliance with this request and prior to or during trial, the defendant discovers additional witnesses, or decides to use any additional evidence, or witnesses, and such evidence is or may be subject to discovery and inspection under prior order of this court, that the defendant promptly notify the Prosecuting Attorney's Office and the court of the existence of additional evidence and/or names of additional witnesses to allow the State to make an appropriate motion for additional discovery or inspection.

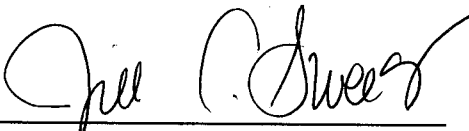
In addition to the above requested information pursuant to Rule 16 of the Idaho Criminal Rules, Grant P. Loebs, Prosecuting Attorney for Twin Falls county, hereby request, pursuant to

Rule 12.1 and Idaho Code Section 19-519, the defendant to furnish to the Prosecuting Attorney's Office within ten (10) days or at such other time as the court directs, Defendant's Notice of Alibi and Notice of Defense of Alibi stating specifically the place or places at which the defendant claims to have been at the time of the alleged offense(s) and the name(s) and address(es) of the witness(es) upon whom he intend to rely to establish such alibi.

In addition if prior to or during trial defendant learns of additional witnesses whose identity should have been included as required in Subsection 1 of Idaho Code Section 19-519, the defendant shall promptly notify the Prosecuting Attorney's Office of the existence and identity of the witnesses.

The undersigned further requests permission to inspect and copy said information, evidence, and materials if they have not been received in this office within two weeks of the date of this request.

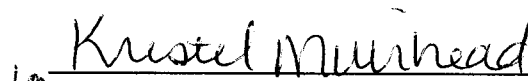
DATED this 24th day November, 2010.



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of November, 2010, I served a copy of the foregoing **REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.


for Willie Coker
Case Assistant

148
DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 26 AM 11:15

BY SP CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following response to the Request for Discovery pursuant to Idaho Criminal Rule 16:

The State of Idaho has complied with such request by:

A. Attaching any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefor.

Response to Request for Discovery - 1

SINAL
000040

B. Attaching copies of reports and memoranda in possession of the prosecuting attorney which were made by a police officer or investigator in connection with the investigation or prosecution of the case.

C. Attaching a copy of the defendant's prior criminal record that is within the knowledge of the prosecuting attorney.

D. Attaching copies of statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case, unless a protective order is issued as provided in Criminal Rule 16 (k).

E. Attaching a written summary or report of any testimony that the State intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing.

F. Attaching pages D1 - D44. Although the State has made every effort to fully comply with its duty to disclose evidence pursuant to Idaho Criminal Rule 16, that does not alleviate the defendant or defense counsel of his/her responsibility to inspect and or copy evidence mentioned in sections G and H.

G. Permitting the defendant to inspect and copy or photograph any relevant written or recorded statements made by the defendant that are in the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged. If these items exist, they are disclosed in the State's discovery response and

attachments (see section F above) and in any supplemental responses and attachments.

H. Permitting the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney. The defendant is permitted to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant. If these items exist, they are disclosed in the State's discovery response and attachments (see section F above) and in any supplemental responses and attachments.

I. Permitting the defendant to inspect and/or copy the items mentioned in sections G and H, which are in the possession of the following prosecuting/police agencies:

Twin Falls County Prosecuting Attorney's Office, Twin Falls County Sheriff's Office

Twin Falls Police Department

Reasonable arrangements for inspection and/or copying materials within the possession of the Twin Falls County Prosecuting Attorney's Office may be made by phoning (208) 736-4020.

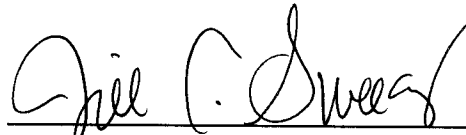
In order to assist in facilitating the defendant/defense counsel in the inspection/copying of the materials mentioned in sections G and H, the State has attached a release.

ADDRESS[illegible]

000043

The State reserves the right to supplement discovery as information becomes available
and to call any or all witnesses listed by the Defense.

DATED this 24th day of November, 2010.

A handwritten signature in black ink, appearing to read "Jill C. Sweesy", written over a horizontal line.

Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of November, 2010, I served a copy of the foregoing **RESPONSE TO REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Kristel Munhead
for Willie Coker
Case Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 NOV 29 PM 12:05

JUDGE BEVAN
CLERK S. BARTLETT
REPORTER VIRGINIA BAILEY
COURTROOM 1

CASE # CR-2010-0012574
DATE 11/29/2010 CLERK
TIME 08:30 AM
CD 9:07 DEPUTY

STATE OF IDAHO,
VS.

BRENT JACOB TYLER JR.

☒ DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

☒ ARRAIGNMENT ☐ STATUS ☐ CHANGE OF PLEA ☐ SENTENCING ☐ OTHER

APPEARANCES:

☒ Defendant Present ☒ Prosecutor Steen Holloway
☒ Def. Counsel Marilyn Paul for G. Essma ☐ Other

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☒ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☒ Defendant is advised of the effect of a guilty plea and the maximum penalties
☒ Defendant indicated that he/she understands rights and penalties
☒ Waived reading of the "Information" ☒ Public Defender is confirmed/appointed

☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court State's Attorney: _____
of days for trial Pre-Trial Jury Trial

Discovery Cutoff Status Hearing

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to Pled to

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval

☐ Drug Court recommended Status Date

BOND HEARING: ☐ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☐ Bond re-set to

Conditions of Release: ☐ Court Compliance ☐ Curfew ☐ Remain on Probation

☐ Reside at ☐ Random UAs per week

SENTENCE: ☐ Court and Counsel reviewed the PSI ☐ Counsel gave recommendations to the Court ☐ Withheld Jdmt

☐ Penitentiary ☐ Determinate ☐ Indeterminate

☐ Credit for days ☐ Concurrent ☐ Consecutive

days Retained Jurisdiction ☐ RJTR ☐ RJCAP ☐ RJTC ☐ RJCAPS ☐ RJSO ☐ RJNR

☐ Court Costs ☐ Fine ☐ Suspended

☐ Public Defender Fees ☐ Court Compliance Fees ☐ Restitution

☐ Payments to begin at per month Final payment due

☐ Probation Time ☐ Exhibits 1 & 2 (General & Specific Probation Terms) submitted

Other Terms: ☐ days county jail ☐ days credit for county jail ☐ days already served

☐ days county jail held in abeyance until review hearing on ☐ Work Release, if approved

☐ Random UAs per week for days ☐ Hair Follicle tests per year

☐ AA/NA meetings in days ☐ Obtain a Sponsor by

☐ Report to 12 step Meeting/Aftercare within 24 hours ☐ Obtain Substance Abuse Eval by and follow recs

☐ Obtain Mental Health Eval by ☐ Follow all treatment under I.C. 19-2524

☐ Create a Budget ☐ No checking account unless approved ☐ No indebtedness of \$250.00 or more unless approved

☐ Apologize to Victim by ☐ GED to be completed by

☐ Driving privileges suspended years ☐ years ABSOLUTE ☐ Interlock device until

☐ hours Community Service within days ☐ Comply with all court orders ☐ DNA Sample ☐ Thumbprint

☐ Enroll with Probation and Parole within 5 days of returning to the U.S. or within 48 hours to the State of Idaho

☐ Right to Appeal Waived due to Plea Agreement ☐ Right to Appeal Given

Other: Delay to 12-13-10 @ 8:45 am

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

NOV 30 2010 3:41 PM

STATE OF IDAHO,
Plaintiff.

vs.

Brent Jacob Tyler Jr.
1335 7th Ave East
Twin Falls, ID 83301

Defendant.

DOB: [REDACTED]
DL: [REDACTED] ID

By [Signature] Clerk
Deputy Clerk

CASE NO: CR-2010-0012574

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Entry of Plea 12/13/2010 08:45 AM
Judge: G. Richard Bevan

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Tuesday, November 30, 2010.

Defendant: Brent Jacob Tyler Jr.

Mailed _____ Hand Delivered _____

Private Counsel:

Mailed _____ Hand Delivered Bx

Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

Prosecutor: Grant Loeb's Twin Falls County Prosecutor's Office

Mailed _____ Box X

Dated: Tuesday, November 30, 2010
Kristina Glascock
Clerk of the District Court

By: [Signature]
Deputy Clerk

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2010 DEC -3 AM 11:44

BY _____ CLERK
_____ *bb* DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D45 through D59 .

The State reserves the right to supplement discovery as information becomes available.

DATED this 2nd day of December, 2010.

Jill C. Sweesy

Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2010, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Willie Coker
Willie Coker
Case Assistant

148

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2010 DEC -9 PM 3:11

BY _____ CLERK
bb DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

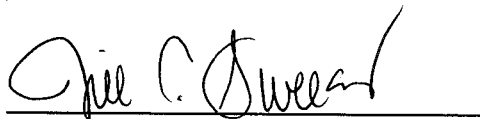
1. Copy of supplements numbered D60 through D62.

The State submits the following additional witness(s):

1. Corinna C. Owsley, Forensic Scientist II, ISP Forensic Services.

The State reserves the right to supplement discovery as information becomes available.

DATED this 9th day of December, 2010.

A handwritten signature in cursive script, reading "Jill C. Sweesy", written over a horizontal line.

Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of December, 2010, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Case Assistant

148
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303-0126
(208)734-1155
ISB# 3995

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED
2010 DEC 10 AM 11:55
BY _____
CLERK
bb DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

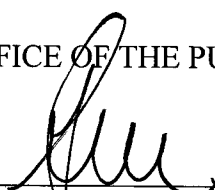
THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 10-12574
)	
v.	)	MOTION FOR BOND REDUCTION
)	
BRENT TYLER,)	
)	
Defendant.)	
_____)	

COMES NOW the above-named Defendant by and through his attorney, George P. Essma, Deputy Public Defender, and moves this Honorable Court for a Bond Reduction/OR release in the above-entitled matter. Additionally, Defendant offers as grounds for this Motion the oral evidence to be presented at hearing.

WHEREFORE, based on the foregoing, and for such other reasons as may appear appropriate to this Honorable Court, the Defendant prays this Court will grant his Motion for Bond Reduction or allow him to be released on his own recognizance.

RESPECTFULLY SUBMITTED this 10th day of December, 2010.

OFFICE OF THE PUBLIC DEFENDER



George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
MOTION FOR BOND REDUCTION to be placed in the Twin Falls County Prosecutor's file at
the Twin Falls County Clerk's Office in Twin Falls, Idaho on the 10th day of December, 2010.

GRANT LOEBS
TWIN FALLS COUNTY
PROSECUTING ATTORNEY

Betsy Brown
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2010 DEC 13 PM 12:16

JUDGE BEVAN
CLERK S. BARTLETT
REPORTER VIRGINIA BAILEY
COURTROOM 1

CASE # CR-2010-0012674
DATE 12/13/2010 CLERK
TIME 08:45 AM
CD 9:31 DEPUTY

STATE OF IDAHO,
VS.

BRENT JACOB TYLER JR.

☒ DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

☐ ARRAIGNMENT ☐ STATUS ☒ ENTRY OF PLEA ☐ SENTENCING ☐ OTHER

APPEARANCES:

☒ Defendant Present ☒ Prosecutor McKinzie Cole
☒ Def. Counsel George Essma ☐ Other

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☐ Defendant is advised of the effect of a guilty plea and the maximum penalties
☐ Defendant indicated that he/she understands rights and penalties

☐ Waived reading of the "Information" ☐ Public Defender is confirmed/appointed
☒ ENTRY OF NOT GUILTY PLEA: ☒ By defendant ☐ By the Court State's Attorney: Till Swersky
2 # of days for trial Pre-Trial 2-28-11 Jury Trial 3-8-11

Discovery Cutoff 2-11-11 Status Hearing

☒ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to Pled to

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval

☐ Drug Court recommended Status Date

BOND HEARING: ☐ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☐ Bond re-set to

Conditions of Release: ☐ Court Compliance ☐ Curfew ☐ Remain on Probation

☐ Reside at ☐ Random UAs per week

SENTENCE: ☐ Court and Counsel reviewed the PSI ☐ Counsel gave recommendations to the Court ☐ Withheld Jdmt

☐ Penitentiary ☐ Determinate ☐ Indeterminate

☐ Credit for ☐ days ☐ Concurrent ☐ Consecutive

☐ days Retained Jurisdiction ☐ RJTR ☐ RJCAPP ☐ RJTC ☐ RJCAPS ☐ RJSO ☐ RJNR

☐ Court Costs ☐ Fine ☐ Suspended

☐ Public Defender Fees ☐ Court Compliance Fees ☐ Restitution

☐ Payments to begin at per month Final payment due

☐ Probation Time ☐ Exhibits 1 & 2 (General & Specific Probation Terms) submitted

Other Terms: ☐ days county jail ☐ days credit for county jail ☐ days already served

☐ days county jail held in abeyance until review hearing on ☐ Work Release, if approved

☐ Random UAs per week for days ☐ Hair Follicle tests per year

☐ AA/NA meetings in days ☐ Obtain a Sponsor by

☐ Report to 12 step Meeting/Aftercare within 24 hours ☐ Obtain Substance Abuse Eval by and follow recs

☐ Obtain Mental Health Eval by ☐ Follow all treatment under I.C. 19-2524

☐ Create a Budget ☐ No checking account unless approved ☐ No indebtedness of \$250.00 or more unless approved

☐ Apologize to Victim by ☐ GED to be completed by

☐ Driving privileges suspended years ☐ years ABSOLUTE ☐ Interlock device until

☐ hours Community Service within days ☐ Comply with all court orders ☐ DNA Sample ☐ Thumbprint

☐ Enroll with Probation and Parole within 5 days of returning to the U.S. or within 48 hours to the State of Idaho

☐ Right to Appeal Waived due to Plea Agreement ☐ Right to Appeal Given

Other:

2010 DEC 14 PM 4:29

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

BY



CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

BRENT JACOB TYLER JR.,

Defendant.

Case No: CR-2010-0012574

**ORDER GOVERNING FURTHER
CRIMINAL PROCEEDINGS AND
NOTICE OF TRIAL SETTING**

This matter came on for an Arraignment on November 29, 2010, before the Honorable G. Richard Bevan, District Judge. The above-named defendant appeared with counsel, George Essma; the State of Idaho was represented by McKinzie Cole for Jill Sweesy, Prosecuting Attorney for Twin Falls County, Idaho. An oral request and stipulation for mutual discovery having been entered before this court, the compliance date for discovery is set on or before **February 11, 2011**.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

NOTICE OF TRIAL:

Jury Trial is set for **March 8, 2011 at 9:00 am;** 2 days are reserved for trial.

1. **Discovery:** All parties will comply with the requirements of Rule 16, I.C.R., and use good faith and reasonable diligence in making timely compliance with all discovery; if an extension is necessary, a written request will be made on or before the compliance date set in this Order.

2. **Motions:** Defendant is hereby ordered to file all pretrial motions governed by Rule 12 of the Idaho Criminal Rules no later than 14 days after the compliance date set for discovery or otherwise show good cause, upon formal motion, why such time limits should be enlarged. All such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial, whichever

is earlier. All motions in limine shall be in writing and filed no later than five (5) days prior to the pretrial conference.

3. **Motions to Suppress:** A motion to suppress evidence shall:

- (a)(1) describe the evidence sought to be suppressed;
- (a)(2) set forth the standing of the movant to make the application;
and
- (a)(3) specify sufficient legal and factual grounds for the motion to give the opposing party reasonable notice of the issues and to enable the court to determine what proceedings are appropriate to address them.

If an evidentiary hearing is requested, no written response to the motion by the non-moving party is required, unless the court orders otherwise. At the conclusion of the evidentiary hearing, the court *may* provide a reasonable time for all parties to respond to the issues of fact and law raised in the motion and at the hearing.

4. **Pretrial Conference:** A Pretrial Conference will be held on **February 28, 2011 at 11:00 am**, wherein the defendant must be personally present in court. At this conference, each party shall: (A) provide the court with a completed exhibit list in the form attached to this order (Exh. 1 attached) together with one complete, duplicate marked set of that party's proposed exhibits for the Judge's use during trial; and (B) deliver to counsel for the other party a copy of the completed exhibit list and duplicate copy of that party's marked exhibits. Unless otherwise ordered, the State shall identify exhibits beginning with the number "1," and the defendant shall utilize exhibits beginning with the letter "A." Counsel for each party shall also deliver a written list of prospective witnesses to the court and counsel for all other parties at Pre-trial Conference.


5. **Exhibits:** Counsel will meet with the clerk to mark and/or to stipulate to exhibits on the date of pretrial conference.

6. **Witness List.** Without regard to whether discovery concerning a party's witnesses has been propounded, not less than seven (7) days prior to trial, each party shall: (A) lodge with the Clerk a completed witness list together with a copy for the Judge's use during trial; and (B) deliver to Counsel for each other party a copy of the completed witness list.

7. **Jury Instructions:** Pursuant to Rule 30(a), I.C.R., each party is directed to file written requests for jury instructions no later than five (5) days prior to the pretrial conference.

Time calculations are governed by Idaho Criminal Rules.

DATED this 14 day of Dec., 2010.


G. Richard Bevan
District Judge

c: Grant Loeb
Marilyn Paul
Jury Commissioner

EXHIBIT LIST

_____, DISTRICT JUDGE CASE NO. _____
_____, DEPUTY CLERK
_____, COURT REPORTER DATE: _____

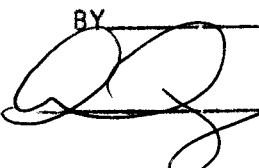
CASE: _____
VS. _____

NO.	DESCRIPTION	DATE	ID	OFFD	OBJ	ADMIT

148,
OFFICE OF THE
PUBLIC DEFENDER
TWIN FALLS COUNTY
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
ISB# 3995

DISTRICT COURT
TWIN FALLS, IDAHO
FILED

2010 DEC 15 AM 8:51

BY  CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

BRENT TYLER,

Defendant.

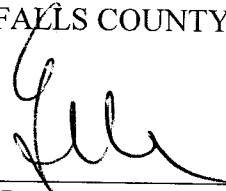
)
)
) Case No. CR 10-12574
)
)
) NOTICE OF HEARING
)
)
)
)
)
)

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Monday, the 3rd day of January, 2011, at the hour of
10:30 a.m. or as soon thereafter as counsel can be heard, the undersigned will call for a
MOTION TO REDUCE BOND hearing, in the above-entitled matter, before the Honorable G.
Richard Bevan.

DATED this 14th day of December, 2010.

TWIN FALLS COUNTY PUBLIC DEFENDER


George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office,
on this 14 day of December, 2010.

Grant Loeb
Prosecuting Attorney

☒ Courthouse Mail

Betsy Brown
Betsy Brown
Legal Assistant

DISTRICT COURT
TWIN FALLS, IDAHO
FILED
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2011 JAN -9 AM 11:51

JUDGE BEVAN
CLERK S. BARTLETT
REPORTER Denise Schroeder
COURTROOM 6

CASE # CR-2010-0012574
DATE 1/3/2011
TIME 10:30 AM
CD 10:44 BB CLERK
DEPUTY

STATE OF IDAHO,
VS.

BRENT JACOB TYLER JR.

☒ DEFENDANT IN CUSTODY

CHARGES: Controlled Substance Possession of

☐ ARRAIGNMENT ☐ STATUS ☐ CHANGE OF PLEA ☐ SENTENCING ☒ OTHER Bond Reduction

APPEARANCES:

☒ Defendant Present ☒ Prosecutor Stan Holloway
☒ Def. Counsel George Essma ☐ Other _____

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☐ Defendant is advised of the effect of a guilty plea and the maximum penalties
☐ Defendant indicated that he/she understands rights and penalties
☐ Waived reading of the "Information" ☐ Public Defender is confirmed/appointed
☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court State's Attorney: _____
of days for trial _____ Pre-Trial _____ Jury Trial _____

Discovery Cutoff _____ Status Hearing _____

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to _____ Pled to _____

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date _____

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval _____

☐ Drug Court recommended Status Date _____

BOND HEARING: ☒ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☒ Bond re-set to 1500⁰⁰

Conditions of Release: ☒ Court Compliance ☒ Curfew 6:00 PM ☐ Remain on Probation

☒ Reside at Shirley Brizuela's Home ☐ 2 Random UAs per week

SENTENCE: ☐ Court and Counsel reviewed the PSI ☐ Counsel gave recommendations to the Court ☐ Withheld Jdmt

☐ Penitentiary ☐ Determinate _____ ☐ Indeterminate _____

☐ Credit for _____ days ☐ Concurrent _____ ☐ Consecutive _____

_____ days Retained Jurisdiction ☐ RJTR ☐ RJCAPP ☐ RJTC ☐ RJCAPS ☐ RJSO ☐ RJNR

☐ Court Costs ☐ Fine _____ ☐ Suspended _____

☐ Public Defender Fees _____ ☐ Court Compliance Fees _____ ☐ Restitution _____

☐ Payments to begin _____ at _____ per month Final payment due _____

☐ Probation Time _____ ☐ Exhibits 1 & 2 (General & Specific Probation Terms) submitted

Other Terms: ☐ _____ days county jail ☐ _____ days credit for county jail ☐ _____ days already served

☐ _____ days county jail held in abeyance until review hearing on _____ ☐ Work Release, if approved

☐ _____ Random UAs per week for _____ days ☐ _____ Hair Follicle tests per year

☐ _____ AA/NA meetings in _____ days ☐ Obtain a Sponsor by _____

☐ Report to 12 step Meeting/Aftercare within 24 hours ☐ Obtain Substance Abuse Eval by _____ and follow recs

☐ Obtain Mental Health Eval by _____ ☐ Follow all treatment under I.C. 19-2524

☐ Create a Budget ☐ No checking account unless approved ☐ No indebtedness of \$250.00 or more unless approved

☐ Apologize to Victim by _____ ☐ GED to be completed by _____

☐ Driving privileges suspended _____ years ☐ _____ years ABSOLUTE ☐ Interlock device until _____

☐ _____ hours Community Service within _____ days ☐ Comply with all court orders ☐ DNA Sample ☐ Thumbprint

☐ Enroll with Probation and Parole within 5 days of returning to the U.S. or within 48 hours to the State of Idaho

☐ Right to Appeal Waived due to Plea Agreement ☐ Right to Appeal Given

Other: _____

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JAN -3 AM 11:51

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Brent Jacob Tyler Jr.

Defendant.

Case No. CR-2010-0012574

**ORDER REGARDING BOND
AND SPECIAL CONDITIONS**

THIS MATTER is before the court [] on the court's own motion [✓] on the application of the Defendant. Pursuant to I.C.R. 46 and the court's discretion, it is hereby ORDERED that the Defendant's bond:

[] remain as set
[X] be reduced to \$ 1500.00

The Defendant is further ordered to comply with the following terms and conditions of release pursuant to I.C.R. 46(d) should he/she bond out in the future:

- [X] Defendant will make all court appearances as required.
- [X] Defendant will commit no further jailable law violations.
- [X] Defendant will maintain contact with his/her attorney and provide them with a current address and telephone number.
- [X] Defendant will comply with all requirements of the Court Compliance Program and remain current on all fees required for his/her participation.

☒ Defendant will submit, at his/her expense, to no less than two UA's each week ☒ through Twin Falls County's Court Compliance program

OR ☐ through another approved means.

☐ Defendant will submit to daily Breathalyzer testing.

☐ Defendant will be required to wear an ankle monitor.

☐ Defendant will be employed at _____.

☒ Defendant will reside at Shirley Brizuela's Home.

☒ Defendant will have a daily curfew at 6:00 p.m. unless working

☒ Defendant agrees to return to Idaho at any time he/she is directed to by the state of Idaho or the receiving state. Defendant knows that he/she may have a constitutional right to insist that the state of Idaho extradite him/her from the receiving state or any other state where he/she may be found. This is commonly called the right to extradition. But defendant also understands and acknowledges that he/she has agreed to return to Idaho when ordered to do so either by the state of Idaho or the receiving state. Therefore, the defendant agrees that he/she will not resist or fight any effort by any state to return him/her to Idaho and AGREES TO WAIVE ANY RIGHT HE/SHE MAY HAVE TO EXTRADITION. DEFENDANT WAIVES THIS FREELY, VOLUNTARILY AND INTELLIGENTLY.

☐ _____
☐ _____
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☐ _____

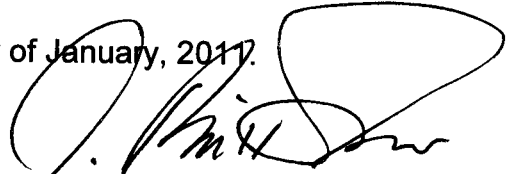
☒ Defendant is required to sign up with the Court Compliance Program within one (1) hour of release from custody. The Court Compliance Office is located at 245 3rd Ave. N., Twin Falls, Idaho.

☐ Defendant is required to check in with Probation and Parole within one (1) hour of release.

A violation of any terms of this order, as established by affidavit, will be sufficient, on its face, for the court to revoke this order and reinstate bond at a higher amount without a hearing.

IT IS SO ORDERED

DATED This 3 day of January, 2011.



G. RICHARD BEVAN
District Judge

NOTICE

Any failure to comply with this order or with the requirements of the Court Compliance Program may result in the revocation of any order of release (whether or not such release was secured by bond, cash or other collateral or upon the Defendant's own recognizance) and the issuance, without notice, of a bench warrant for Defendant's immediate arrest. By acknowledging his or her receipt of this order, Defendant specifically accepts this condition of release and waives all right to: his or her 1) notice of violating the conditions of release on bail, and 2) any bail revocation hearing.

BY SIGNING BELOW I HEREBY ACKNOWLEDGE AND AGREE TO BE BOUND BY ALL TERMS OF THE COURT'S ORDER AND ANY TERMS SPECIFIED BY THE COURT COMPLIANCE PROGRAM.

Accepted:


DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of January 2011, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Grant Loeb
P.O. Box 126
Twin Falls ID 83303-0126

☐ U.S. Mail
☐ Hand Delivered
☐ Faxed
☒ Court Folder

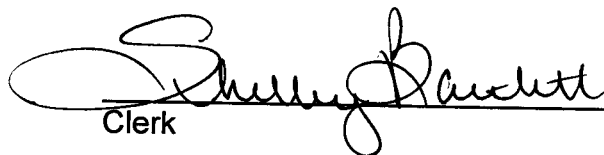
Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

☐ U.S. Mail
☐ Hand Delivered
☐ Faxed
☒ Court Folder

Court Compliance Officer
P.O. Box 126
Twin Falls, Idaho 83303-0126

☐ U.S. Mail
☐ Hand Delivered
☐ Faxed
☒ Court Folder

☐ U.S. Mail
☐ Hand Delivered
☐ Faxed
☐ Court Folder


Clerk

148.
GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JAN 11 AM 11:25

BY _____ CLERK
_____ DEPUTY

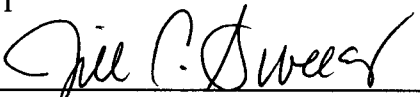
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR10-12574
)	
Plaintiff,)	
)	
vs.	)	NOTICE OF HEARING
)	
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

To: THE ABOVE-NAMED DEFENDANT, BRENT JACOB TYLER, JR., AND HIS
ATTORNEY, GEORGE ESSMA, DEPUTY PUBLIC DEFENDER:

YOU ARE HEREBY NOTIFIED that on the 31st day of **January, 2011**, at the hour of
11:30 a. m., or as soon thereafter as counsel can be heard, at the Judicial Annex, Twin Falls, Idaho,
the undersigned will call up for an *Arraignment Hearing* on the *Amended Information*.

DATED this 5th day of January, 2011



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2011, I served a copy of the foregoing **NOTICE OF HEARING** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Willie Coker

Willie Coker
Legal Assistant

148
GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 JAN 11 AM 11:25

BY [Signature] CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered P1 through P13 .

The State reserves the right to supplement discovery as information becomes available.

DATED this 5th day of January, 2011.

[Signature]
Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2011, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Willie Coker
Willie Coker
Legal Assistant

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 JAN 11 AM 11:25

BY _____ CLERK
bb DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 10-12574
)	
Plaintiff,)	
vs.	)	STATE'S <i>EX PARTE</i> MOTION FOR AN
	)	ORDER TO AMEND INFORMATION
)	
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

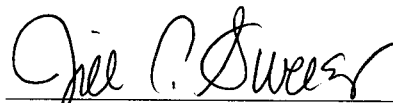
COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and moves the above entitled court for an *Order to Amend Information* pursuant to Idaho Criminal Rule 7(e), whereby the State requests that the *Information* be amended to add:

STATE'S *EX PARTE* MOTION FOR AN ORDER TO AMEND INFORMATION - PAGE 1

Part II: Notice of Intent to Seek Enhanced Penalty Pursuant to Uniform Controlled Substances Act,
pursuant to Idaho Code § 37-2739.

The State has attached the proposed *Amended Information* as *Exhibit A*. The State respectfully requests that the Court set this matter for hearing on this motion.

DATED this 5th day of January, 2011.



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	AMENDED INFORMATION
	)	<u>Part I</u> - Possession of a Controlled Substance
	)	(Methamphetamine), a Felony
	)	<u>Part II</u> - Notice of Intent to Seek Enhanced
	)	Penalty on Controlled Substance Crimes
BRENT JACOB TYLER, JR.,)	
	)	DOB: [REDACTED]
Defendant.	)	SSN: [REDACTED]
_____)	

Jill C. Sweesy, Senior Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that BRENT JACOB TYLER, JR., the above-named defendant, is accused by this Amended Information of the following:

Part I - Possession of a Controlled Substance (Methamphetamine), a Felony;

Part II - Notice of Intent to Seek Enhanced Penalty on Controlled Substance Crime.

POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)
Felony, I.C. § 37-2732(c)(1)

That the defendant, BRENT JACOB TYLER, JR., on or about November 11, 2010, in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit: methamphetamine, a Schedule II controlled substance, in violation of Idaho Code § 37-2732(c)(1).

DATED this ____ day of January, 2011.

Jill C. Sweesy
Senior Deputy Prosecuting Attorney

PART II
NOTICE OF INTENT TO SEEK ENHANCED PENALTY
PURSUANT TO UNIFORM CONTROLLED SUBSTANCES ACT
I.C. § 37-2739

That the defendant, BRENT JACOB TYLER, JR., was previously convicted of a violation of the Uniform Controlled Substances Act, to-wit: Possession of a Controlled Substance, in case number CR 04-4458, in the County of Twin Falls, State of Idaho (sentencing date September 20, 2004); and therefore he may be sentenced on the crime in Part I to a term of imprisonment up to twice the term otherwise authorized, and fined in an amount up to twice that otherwise authorized, or both, pursuant to Idaho Code § 37-2739.

DATED this ____ day of January, 2011.

Jill C. Sweesy
Senior Deputy Prosecuting Attorney


CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of January, 2011, I served a copy of the foregoing **AMENDED INFORMATION** thereof into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Willie Coker
Legal Assistant

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2011, I served a copy of the foregoing **STATE'S *EX PARTE* MOTION FOR AN ORDER TO AMEND INFORMATION** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JAN 31 AM 11:55

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT DIVISION

BY SB CLERK
DEPUTY

COURT MINUTES

CR-2010-0012574

State of Idaho vs. Brent Jacob Tyler Jr.

Hearing type: Motion to Amend Information

Hearing date: 1/31/2011

Time: 11:30 AM

Courtroom: 1

Judge: G. Richard Bevan

Court reporter: Virginia Bailey

Minutes Clerk: Shelley Bartlett

Defense Attorney: George Essma

Prosecutor: Jill Sweeney

11:29 Court called the case.

11:29 There is no legal reason to object.

11:30 Amended information is filed with the Court.

11:31 Defendant is arraigned on amended charge and he confirmed his plea of not guilty.

JAN 31 2011 11:58am

By 85
Deputy Clerk

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

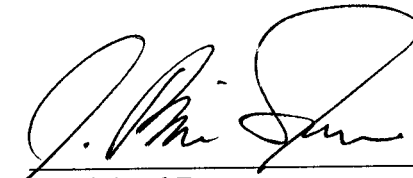
STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
BRENT JACOB TYLER, JR.,)
)
Defendant.)
_____)

Case No. CR 10-12574

ORDER TO AMEND INFORMATION

Based upon the *State's Ex Parte Motion for an Order to Amend Information*, and good cause appearing, IT IS HEREBY ORDERED that an *Amended Information* may be filed.

DATED this 3rd day of January, 2011.



G. Richard Bevan
District Judge

ORDER TO AMEND INFORMATION

CERTIFICATE OF SERVICE

I hereby certify that on the 1 day of ~~January~~^{Feb}, 2011, I served a copy of the foregoing

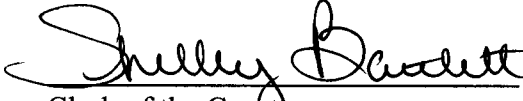
ORDER TO AMEND INFORMATION thereof to the following:

Jill C. Sweesy
Deputy Prosecuting Attorney

☒ **Court Folder**

The Office of The Public Defender
Attorney for Defendant

☒ **Court Folder**


Clerk of the Court

11:55am

BN

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	AMENDED INFORMATION
	)	<u>Part I</u> - Possession of a Controlled Substance
	)	(Methamphetamine), a Felony
	)	<u>Part II</u> - Notice of Intent to Seek Enhanced
	)	Penalty on Controlled Substance Crimes
BRENT JACOB TYLER, JR.,)	
	)	DOB: [REDACTED]
Defendant.	)	SSN: [REDACTED]
)	

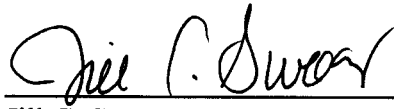
Jill C. Sweesy, Senior Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that BRENT JACOB TYLER, JR., the above-named defendant, is accused by this Amended Information of the following:

- Part I - Possession of a Controlled Substance (Methamphetamine), a Felony;**
- Part II - Notice of Intent to Seek Enhanced Penalty on Controlled Substance Crime.**

POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)
Felony, I.C. § 37-2732(c)(1)

That the defendant, BRENT JACOB TYLER, JR., on or about November 11, 2010, in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit: methamphetamine, a Schedule II controlled substance, in violation of Idaho Code § 37-2732(c)(1).

DATED this 31st day of January, 2011.

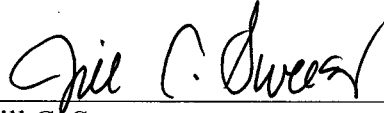


Jill C. Sweesy
Senior Deputy Prosecuting Attorney

PART II
NOTICE OF INTENT TO SEEK ENHANCED PENALTY
PURSUANT TO UNIFORM CONTROLLED SUBSTANCES ACT
I.C. § 37-2739

That the defendant, BRENT JACOB TYLER, JR., was previously convicted of a violation of the Uniform Controlled Substances Act, to-wit: Possession of a Controlled Substance, in case number CR 04-4458, in the County of Twin Falls, State of Idaho (sentencing date September 20, 2004); and therefore he may be sentenced on the crime in Part I to a term of imprisonment up to twice the term otherwise authorized, and fined in an amount up to twice that otherwise authorized, or both, pursuant to Idaho Code § 37-2739.

DATED this 31st day of January, 2011.



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of January, 2011, I served a copy of the foregoing **AMENDED INFORMATION** thereof into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

Willie Coker
Legal Assistant

UNIVERSALFIRE & CASUALTY
INSURANCE COMPANY3214 CHICAGO DRIVE, HUDSONVILLE, MI 49426
Telephone 616-662-3900 Fax 616-662-4460

POWER NUMBER UFC 5-1167775

MAXIMUM AMOUNT \$5,000.00

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that Universal Fire & Casualty Insurance Company, a corporation duly organized and existing under the laws of the State of Indiana, does hereby constitute and appoint the below named executing agent as its true and lawful Attorney-in-Fact in its name, place and stead, to execute, seal and deliver on its behalf, a surety bail bond for the below named defendant. In witness whereof, Universal Fire & Casualty Insurance Company has caused this instrument to be signed and sealed by its duly authorized officer.

This Power of Attorney is for use with bail bonds for state, county and municipal courts only (not valid in Federal Court) and not to exceed the above stated amount. This Power must be filed with the bond as a permanent court record to obligate the surety, for court appearance only, of the named defendant. This Power shall not obligate the surety for defendant's future lawful conduct, court imposed conditions, restrictions or fines, costs, restitution or any other circumstances not specifically related to court appearance. This Power is void if its original format has been altered, if it exceeds the maximum amount listed, is used with other Universal Powers to cover one bond amount, or is used by an individual who is not authorized to execute surety bail bonds, on behalf of Universal Fire & Casualty Insurance Company.

BOND AMOUNT \$ 1,500 DATE 2/19/11
DEFENDANT Tyler, Brent
CHARGES Poss. of Methamphetamine
COURT 5th district
CITY & STATE Twin Falls Idaho
CASE NO. CR10-12574
APPEARANCE DATE _____
IF REWRITE:
ORIGINAL NO. _____ AMOUNT _____
EXECUTING AGENT KE [Signature] **MP**

AGENCY Hometown Bail Bonds PHONE 208-732-8161

Form 17, Copyright® Revised 3/09

UNIVERSAL FIRE & CASUALTY INSURANCE COMPANY

By

Robert C. Ryzance
Robert C. Ryzance, Vice President

SECURITY
FEATURES MUST
BE PRESENT.
SEE LIST ON
BACK.

000085

TAX I.D. NO. 35-1372324
N.A.I.C. NO. 32867

Court Copy



3214 CHICAGO DRIVE, HUDSONVILLE, MI 49426
Telephone 616-662-3900 Fax 616-662-4460

APPEARANCE BOND FACE SHEET

IN THE 5th district COURT FOR THE COUNTY OF Twin Falls

THE PEOPLE OF THE STATE OF Idaho Case No. CR10-12574

Plaintiff

VS.

Tyler, Brent Power No. 5-1167775

Defendant

KNOW ALL MEN BY THESE PRESENTS:

That we Hometown Bail Bonds as Principal and **UNIVERSAL FIRE & CASUALTY INSURANCE COMPANY**, an Indiana Corporation, as Surety identified by attached Power of Attorney, are held and firmly

bound unto the 5th district court in the sum of

One thousand five hundred Dollars (\$ 1,500), for the payment whereof well and truly

to be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents. The condition of this obligation is such that if the said Principal shall appear at the next Regular or Special term of

the 5th district Court on February 28, 2011

at _____ for the charge(s) of Possession of methamphetamine

and shall appear from day to day and term to term of said Court and not depart the same without leave then this obligation to

be void, otherwise to remain in full force and virtue. Principal does hereby waive extradition proceedings and agree to return

voluntarily to the State of Idaho and Court of original jurisdiction.

Signed this 19th day of February, 2011

Bond Approved By:

Kevin Penderell
Name

Agent
Title

By: Brent Tyler
Principal/Defendant



UNIVERSAL FIRE & CASUALTY INSURANCE COMPANY

By: _____
Attorney-in-Fact

Hometown Bail Bonds
Agency Name

201 3rd Ave E
Address

Twin Falls, Idaho 83301
City, State, Zip Code

208. 432. 8181
Telephone

This bond is valid with one properly executed Power of Attorney attached, equal to or greater than, the bond amount. This bond guarantees defendant's court appearance(s) only.

TWIN FALLS SHERIFF — BOND INFORMATION

NAME Tyler, Brent Jacob

ADDRESS 1335 7th Ave East
Twin Falls, ID. 83301

TELEPHONE 208-734-9863

DATE Feb. 19, 2011

\$ 1,510.00 BAIL 1,500.00 CASH 10.00

RELEASING OFFICER Sgt. Terry 11216

POSTED BY Hometown Bail Bonds

ADDRESS 201 3rd Ave East
Twin Falls, ID. 83301

TELEPHONE 208-732-8181

REC. NO. 8074

ARRESTED BY TFPD

CR10-12574

000087

Date: 2/22/2011

Fifth Judicial District Court - Twin Falls County

NO. 1105135

Time: 03:49 PM

Receipt

Page 1 of 1

Received of: Hometown Bail Bonds

\$ 10.00

Ten and 00/100 Dollars

Case: CR-2010-0012574

Defendant: Tyler, Brent Jacob Jr.

Amount

Sheriff Fees

10.00

Total:

10.00

Payment Method: Cash

Amount Tendered: 10.00

Kristina Glascock , Clerk of the District Court

By: bb

Deputy Clerk

Clerk: BANYAI
Duplicate

000088

Tyler, Brent J.

9-25-77

PROMISE TO APPEAR

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

I HEREBY Promise to appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, MAGISTRATE DIVISION, located in the Judicial Annex Building, next to the County Courthouse, in Twin Falls, Idaho, ~~within five (5) days~~ (excluding Saturday and Sunday of my release from custody, for arraignment before said Court.

DATED This 19th day of February 2011.

YOU ARE TO APPEAR: Monday, the 28th day of February, 2011.
Between 9am-4 p.m.

x Brent J. Tyler
Signature

TWIN FALLS PRINTING

000089

CR10-12574

Twin Falls County
Court Compliance Program
Agreement in Lieu of Incarceration

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

Name: Brent Tyler

Address: 3980 N 1800 E, Buhl

DOB: [REDACTED]

Case: CR10 - 12574

2011 FEB 22 PM 3:11

Phone: 208-543-6721

Date: 2/22/11

CLERK

THIS AGREEMENT IS BEING UTILIZED BY ORDER OF THE BELOW SIGNED ~~MAGISTRATE~~ DISTRICT JUDGE FOR THE RELEASE OF THE ABOVE NAMED ADULT.

A. I, THE ABOVE NAMED ADULT WILL ABIDE BY ALL OF THE RULES AND REGULATIONS OF THIS AGREEMENT AS LISTED BELOW, AS WELL AS ALL CITY, COUNTY, STATE, AND FEDERAL LAWS.

B. RULES AND REGULATIONS: "X" INDICATES APPLICABLE TO DEFENDANT.

- BUT 1. House Arrest—Electronic Monitoring. No privileges, I agree to remain at my residence at all times, except for specific times approved by the Court Compliance Officer to fulfill my school, employment, and other required conditions of my release to the community.
- BUT 2. Do not consume and/or have in your possession alcoholic beverages and/or illegal controlled substances or be where they are present. I shall not use or possess any prescription medication unless lawfully prescribed by a licensed physician. I will submit to alcohol/drug testing as required by the Court and/or Court Compliance Officer.
- BUT 3. Curfew shall be 6 p.m. weekdays and 6 p.m. weekends. unless working
- BUT 4. To report to the Magistrate Probation Office as directed.
- BUT 5. To appear at all court hearings when advised to do so, and maintain contact with my attorney.
- BUT 6. To be employed full-time or actively seeking full-time employment.
- BUT 7. To notify the Court Compliance Officer immediately of any change of address, telephone, employment.
- BUT 8. Pay all costs and fees associated with the Court Compliance Program.
- BUT 9. Search and Seizure: I agree and consent to the search of my person, automobile, real property and other property at any place by any Court Compliance Officer, Probation Officer or any Police Officer and waive my constitutional right to be free from such searches.
- BUT 10. All requests to leave the state of Idaho must be approved by the courts in writing and submitted to the Court Compliance Officer prior to leaving the state.
- BUT 11. No Contact with the following persons: drug/alcohol users
- BUT 12. Fees ordered by Court:
- | | |
|--|-------------------------------|
| Electronic Monitoring | \$35 hook up fee—\$10 per day |
| Modified House Arrest | \$5 per day |
| <input checked="" type="checkbox"/> Drug Testing | \$15 each lab test |
| | \$7 each field test |
| | \$3 each breathalyzer test |
- BUT 13. Additional Phase 2 UAF's, random intox, 6pm daily curfew unless working.

I THE ABOVE NAMED DEFENDANT, SHOW BY MY SIGNATURE BELOW THAT I HAVE READ AND UNDERSTAND THIS AGREEMENT, AND PROMISE TO ABIDE BY THIS AGREEMENT. I, THE ABOVE NAMED DEFENDANT UNDERSTAND THAT IF I VIOLATE ANY PORTION OF THIS AGREEMENT IT MAY BE REVOKED AND I MAY BE SUBJECT TO THE ISSUANCE, WITHOUT NOTICE, OF A BENCH WARRANT, AND I MAY BE DETAINED UNTIL FURTHER PROCEEDINGS CAN BE ESTABLISHED.

Brent Tyler
DEFENDANTS SIGNATURE

[Signature]
PROBATION OFFICER SIGNATURE

[Signature]
MAGISTRATE/DISTRICT JUDGE SIGNATURE

148
GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208)736-4020
Fax: (208)736-4120

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 FEB 25 PM 3:49

BY SP CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
BRENT JACOB TYLER, JR.,	)	AND WITNESS LIST
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplement numbered D63.

The State submits the following list of potential witnesses:

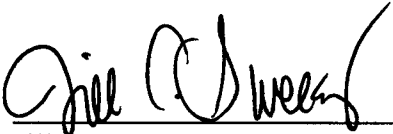
1. Nathan Silvester- Twin Falls Police Department.
2. Daniel Clements - Twin Falls Police Department..
3. Timothy Arredondo - Twin Falls Police Department.

4. Jerry Hutchison - Twin Falls Police Department.
5. Joan Lang - Evidence Technician, Twin Falls Police Department.
6. Tracy Perreira - Evidence Technician, Twin Falls Police Department.
7. Patti Rohweder - Evidence Technician, Twin Falls Police Department.
8. Corinna C. Owsley -Forensic Scientist II, ISP Forensic Services, Meridian, ID.
9. Art Rebollozo - Twin Falls County Sheriff's Office.

The State is free to call all witnesses referred to in the Defendant's Witness List, as well as any person named or identified in discovery items provided to the defense in the *State's Response to Request for Discovery* and all of the State's supplemental responses to discovery.

The State reserves the right to supplement discovery as information becomes available.

DATED this 25th day of February, 2011.



Jill C. Sweesy
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2011, I served a copy of the foregoing **Supplemental Response to Request for Discovery and Witness List** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

148

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 FEB 25 PM 3:49

BY _____ CLERK
_____ DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	STATE'S EXHIBIT LIST
)	
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

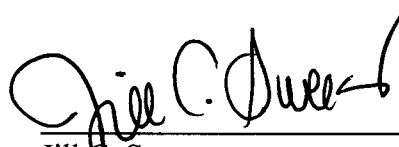
COMES NOW The Plaintiff, Jill C. Sweesy, Senior Deputy Prosecuting Attorney for
Twin Falls County, State of Idaho, and submits the following list of potential exhibits in the
above-entitled matter:

1. Twin Falls Police Department Evidence Item No. 1: brass pipe with residue,
wood pipe with residue, found in pants pocket.
2. Twin Falls Police Department Evidence Item No.2 :KPAC with 8 blue pills and 2
half pills found in pants pocket.

3. Twin Falls Police Department Evidence Item No. 3: KPAC with crystal like substance in plastic baggie found in front pants pocket.
4. Twin Falls Police Department Evidence Item No. 4: KPAC with syringe needle with residue found in pants pocket.
5. Twin Falls Police Department Evidence Item No. 5: KPAC with white crystal substance, 3 cotton swabs found in purse in trunk.
6. Twin Falls Police Department Evidence Item No.6: black case, white pipe, plastic bag, small white dish found in purse in trunk.
7. Twin Falls Police Department Evidence Item No. 7:KPAC with vial containing liquid removed from syringe in #4 found in pants.
8. Twin Falls Police Department Evidence Item No. 8: digital photographs 8A1through 8A4, audio recordings 8B1 through 8B3.
9. Twin Falls Police Department Evidence Item No 9: audio of conversation from jail.
10. Criminalist Analysis Report, Pages D60 through D62 of Discovery
11. Certified copy of Judgment of Conviction and Order of Probation, Dated September 22, 2004, County of Twin Falls, State of Idaho, Pages P1 through P5 of Discovery.
12. Certificate of Authenticity Central Records, Idaho Department of Corrections, Pages P6 through P13 of Discovery.
13. Aerial photo of area near 161 Shoup Avenue, Twin Falls, Page D63 of Discovery.

14. Any and all documents, tangible items, diagrams, photographs, etc. referred to or identified in discovery items provided to defense in the State's Response to Request for Discovery and all of the State's Supplemental Responses to Discovery.

DATED This 25th day of February, 2011.

A handwritten signature in black ink, appearing to read "Jill C. Sweesy", written over a horizontal line.

Jill C. Sweesy
Senior Deputy Prosecuting Attorney

Evidence and Exhibit List

Ev. #	Item	ID #	Witness	Atty.	Offered	Admitted	Comments
1	brass pipe with residue, wood pipe with residue, found in pants pocket						
2	KPAC with 8 blue pills and 2 half pills found in pants pocket						
3	KPAC with crystal like substance in plastic baggie found in front pants pocket						
4	KPAC with syringe needle with residue found in pants pocket						
5	KPAC with white crystal substance, 3 cotton swabs found in purse in trunk						
6	black case, white pipe, plastic bag, small white dish found in purse in trunk						
7	KPAC with vial containing liquid removed from syringe in #4 found in pants						
8	digital photographs 8A1 - 8A4, audio recordings 8B1 - 8B3						
8A1	photograph						
8A2	photograph						
8A3	photograph						
8A4	photograph						
8B1	audio recording						
8B2	audio recording						
8B3	audio recording						
9	audio of jail phone conversation						
10	Criminalist Analysis Report, Pages D60 through D62 of Discovery						

11	Certified copy of Judgment of Conviction and Order of Probation, Dated September 22, 2004, County of Twin Falls, State of Idaho, Pages P1 through P5 of Discovery						
12	Certificate of Authenticity Central Records, Idaho Department of Corrections, Pages P6 through P13 of Discovery						
13	Aerial photo of area near 161 Shoup Ave., Twin Falls, Page D63 of Discovery						

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2011, I served a copy of the foregoing **STATE'S EXHIBIT LIST** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 FEB 28 AM 12:03

JUDGE BEVAN
CLERK S. BARTLETT
REPORTER VIRGINIA BAILEY
COURTROOM 1

CASE # CR-2010-0012574
DATE 2/28/2011 CLERK
TIME 11:00 AM
CD 11:06 SB DEPUTY

STATE OF IDAHO,
VS.

BRENT JACOB TYLER JR.

☐ DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

☐ ARRAIGNMENT ☐ STATUS ☐ CHANGE OF PLEA ☐ SENTENCING ☒ OTHER Pretrial Conf

APPEARANCES:

☒ Defendant Present ☒ Prosecutor Jill Sweesy
☒ Def. Counsel George Essma ☐ Other

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☐ Defendant is advised of the effect of a guilty plea and the maximum penalties
☐ Defendant indicated that he/she understands rights and penalties
☐ Waived reading of the "Information" ☐ Public Defender is confirmed/appointed
☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court State's Attorney: _____

of days for trial _____ Pre-Trial _____ Jury Trial _____

Discovery Cutoff _____ Status Hearing _____

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to _____ Pled to _____

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date _____

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval _____

☐ Drug Court recommended Status Date _____

BOND HEARING: ☐ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☐ Bond re-set to _____

Conditions of Release: ☐ Court Compliance ☐ Curfew ☐ Remain on Probation

☐ Reside at _____ ☐ _____ Random UAs per week

SENTENCE: ☐ Court and Counsel reviewed the PSI ☐ Counsel gave recommendations to the Court ☐ Withheld Jdmt

☐ Penitentiary _____ Determinate _____ Indeterminate _____

☐ Credit for _____ days ☐ Concurrent ☐ Consecutive

_____ days Retained Jurisdiction ☐ RJTR ☐ RJCAPP ☐ RJTC ☐ RJCAPS ☐ RJSO ☐ RJNR

☐ Court Costs ☐ Fine _____ ☐ Suspended _____

☐ Public Defender Fees _____ ☐ Court Compliance Fees _____ ☐ Restitution _____

☐ Payments to begin _____ at _____ per month Final payment due _____

☐ Probation Time _____ ☐ Exhibits 1 & 2 (General & Specific Probation Terms) submitted

Other Terms: ☐ _____ days county jail ☐ _____ days credit for county jail ☐ _____ days already served

☐ _____ days county jail held in abeyance until review hearing on _____ ☐ Work Release, if approved

☐ _____ Random UAs per week for _____ days ☐ _____ Hair Follicle tests per year

☐ _____ AA/NA meetings in _____ days ☐ Obtain a Sponsor by _____

☐ Report to 12 step Meeting/Aftercare within 24 hours ☐ Obtain Substance Abuse Eval by _____ and follow recs

☐ Obtain Mental Health Eval by _____ ☐ Follow all treatment under I.C. 19-2524

☐ Create a Budget ☐ No checking account unless approved ☐ No indebtedness of \$250.00 or more unless approved

☐ Apologize to Victim by _____ ☐ GED to be completed by _____

☐ Driving privileges suspended _____ years ☐ _____ years ABSOLUTE ☐ Interlock device until _____

☐ _____ hours Community Service within _____ days ☐ Comply with all court orders ☐ DNA Sample ☐ Thumbprint

☐ Enroll with Probation and Parole within 5 days of returning to the U.S. or within 48 hours to the State of Idaho

☐ Right to Appeal Waived due to Plea Agreement ☐ Right to Appeal Given

Other: 3980 N. 1800 E. Buhl is current address for bond purposes. Mr. Essma is to prepare order.

Mr. Essma requested a continuance. Ms. Sweesy gave argument.

Defendant was duly sworn and questioned by the Court.

Defendant waived speedy trial right. Trial is re-set to

July 19 w/ PT July 11/discuss July 8

000100

DISTRICT COURT
TWIN FALLS, IDAHO
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

2011 MAR -1 PM 1:35

STATE OF IDAHO,
Plaintiff.

vs.

Brent Jacob Tyler Jr.
3980 N 1800 E
Buhl, ID 83316

Defendant.

DOB: [REDACTED]
DL: [REDACTED] ID

BY _____ CLERK

CASE NO: CR-2010-0012574 DEPUTY

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Pretrial Conference 7/11/2011 11:00 AM

Judge: G. Richard Bevan

Jury Trial 7/19/2011 09:00 AM

Judge: G. Richard Bevan

Discovery Cutoff 7/08/2011

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Tuesday, March 01, 2011.

Defendant: Brent Jacob Tyler Jr.

Mailed _____ Hand Delivered _____

Private Counsel:

Mailed _____ Box ☒

Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

Prosecutor: Grant Loeb's Twin Falls County Prosecutor's Office

Mailed _____ Box ☒

Dated: Tuesday, March 01, 2011

Kristina Glascock
Clerk of the District Court

By:

[Signature]
Deputy Clerk

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303-0126
(208)734-1155
ISB# 3995

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 MAR -3 AM 11:10

BY _____ CLERK

80 DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)

Plaintiff,)

v.)

BRENT TYLER,)

Defendant.)

Case No. CR 10-12574

ORDER

IT IS HEREBY ORDERED that the defendant, Brent Tyler, is to reside at 3980 N. 1800
E., Buhl, Idaho as a condition of his release.

DATED THIS 3 day of March, 2011.

J. Kim / Son
Judge

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
ORDER to be placed in the Twin Falls County Prosecutor's file at the Twin Falls County Clerk's
Office in Twin Falls, Idaho on the 3 day of March, 2011.

GRANT LOEBS
TWIN FALLS COUNTY
PROSECUTING ATTORNEY

☒

DEPUTY PUBLIC DEFENDER

☒

TWIN FALLS COUNTY JAIL

☒

Shelley Barrett

DISTRICT COURT
TWIN FALLS CO., IDAHO
ORIGINAL
2011 APR -7 AM 11:54

BY _____ CLERK
_____ DEPUTY

000104

allegedly failing to signal during a turn and for making an illegal U-turn. Officer Arredondo (Arredondo) apparently knew Mr. Conway was on Felony Probation. After Mr. Conway provided Arredondo with his driver's license, Arredondo had Mr. Conway exit his vehicle and Arredondo conducted a pat-down search of Mr. Conway due to his probation status.

Arredondo next made contact with the right front seat passenger, the Defendant, Mr. Tyler. Arredondo asked Mr. Tyler if he was on probation or parole to which Mr. Tyler responded "no".

Arredondo then had Mr. Tyler step out of the vehicle. Arredondo asked Mr. Tyler if Mr. Tyler had any weapons on him. Mr. Tyler informed Arredondo that he had an x-acto knife in his left front shirt pocket. The top of which was openly visible to Arredondo. Arredondo inquired if Mr. Tyler had any other weapons on him to which Mr. Tyler responded "no".

Arredondo then requested if he could pat Mr. Tyler down further for other weapons. Mr. Tyler told Arredondo he would permit a Terry Search for weapons, but that Mr. Tyler would not permit Arredondo to search his pockets. Arredondo agreed that he would perform a pat down search for weapons but would not go into Mr. Tyler's pockets.

Arredondo had Mr. Tyler place his hands behind his back with the backs of his hands together with his fingers interlacing. Arredondo removed the x-acto knife from Mr. Tyler's left front shirt pocket. Arredondo immediately searched Mr. Tyler's right front shirt pocket and immediately recognized through his training and experience as a police officer a syringe. It should be particularly noted that because of the cold weather, Mr. Tyler had two outer layer coats covering his shirt.

Arredondo then placed Mr. Tyler in handcuffs. Arredondo further searched Mr. Tyler and

found in Mr. Tyler's left front pants pocket a clear plastic baggie allegedly containing methamphetamine as well as several pills that were allegedly controlled.

ISSUES

Mr. Tyler asserts two issues in support of his motion.

1. That his initial detention was impermissible.
 - a. The Fourth Amendment safeguard against unreasonable searches and seizures applies to the seizures of persons through arrests or detentions falling short of arrest. *United States v. Brignoni-Ponce*, 422 U.S. 873, 95 S.Ct. 2574, 2578, 45 L.Ed.2d 607, 614 (1975); *Terry v. Ohio*, 392 U.S. 1, 16, 88 S.Ct. 1868, 1877, 20 L.Ed.2d 889, 902 (1968). The stop of a vehicle is a seizure of its occupants and is therefore subject to Fourth Amendment standards. *United States v. Cortez*, 449 U.S. 411, 417, 101 S.Ct. 690, 694, 66 L.Ed.2d 621 (1981); *Delaware v. Prouse*, 440 U.S. 648, 653-54, 99 S.Ct. 1391, 1395-96, 59 L.Ed.2d 660, 667-68 (1979); *State v. Haworth*, 106 Idaho 405, 406, 679 P.2d 1123, 1124 (1984). When the purpose of the detention is to investigate a possible traffic offense or other crime, it must be based upon reasonable, articulable suspicion of criminal activity. *Brignoni-Ponce*, 422 U.S. at 884, 95 S.Ct. At 2581, 45 L.Ed.2d at 618; *Florida v. Royer*, 460 U.S. 491, 498, 103 S.Ct. 1319, 1324, 75 L.Ed.2d 229, 236 (1983); *State v. Schumacher*, 136 Idaho 509, 37 P.3d 6 (Ct.App.2001) Because the stop of a vehicle and detention of its driver is generally a detention of any passengers as well, passengers have standing

to contest the reasonableness of the detention. *Haworth*, 106 Idaho at 406, 679 P.2d at 1124; *State v. Luna*, 126 Idaho 235, 237, 880 P.2d 265, 267 (Ct.App. 1994).

- b. A Seizure occurs only when the officer, through physical force or show of authority, restrains an individual's liberty. *Immigration & Naturalization Serv. V. Delgado*, 466 U.S. 210, 215, 104 S.Ct. 1758, 1762, 80 L.Ed.2d 247, 254 (1984); *Terry*, 392 U.S. at 19 n. 16, 88 S.Ct. At 1879 n. 16, 20 L.Ed.2d at 905 n. 16; *State v. Nickel*, 134 Idaho 610, 612, 7 P.3d 219, 221 (2000).
- c. The test to determine whether someone is restrained is whether, considering all of the circumstances surrounding the encounter, the police conduct would communicate to a reasonable person that he or she is not at liberty to ignore the police presence and go about his or her business. *Florida v. Bostick*, 501, U.S. 429, 434 111 S.Ct. 2382, 2386, 115 L.Ed.2d 389, 398 (1991); *State v. Zavala*, 134 Idaho 532, 536, 5 P.3d 993, 997 (Ct.App. 2000); *State v. Fry*, 122 Idaho 100, 103, 831 P.2d 942, 945 (Ct.App. 1991).
- d. Thus, a traffic stop may evolve into a consensual encounter if the officer returns the driver's license, registration and insurance documents and engages in any subsequent questioning without further show of authority which would convey a message that the individual is not free to leave. *State v. Martinez*, 136 Idaho 436, 441, 34 P.3d 1119, 1124 (Ct.App. 2001).

- e. The use of the emergency lights was indicative of a continued detention. See I.C. § 49-625 (requiring that drivers stop upon the approach of a police vehicle using emergency lights and remain stopped until the police vehicle has passed or the driver has been otherwise directed by a police officer); I.C. § 49-1404(1) (prohibiting a driver from fleeing or attempting to elude a police vehicle when given a signal to stop by use of the police officer's emergency lights); *State v. Mireles*, 133 Idaho 690, 692, 991 P.2d 878, 880 (Ct.App. 1999) (holding act of turning on overhead lights, although not necessarily intended to create a detention, constituted a *de facto* detention commanding the driver to remain stopped); *Berkemer v. McCarty*, 468 U.S. 420, 436-37, 104 S.Ct. 3138, 3148-49, 82 L.Ed.2d 317, 332-33 (1984) (noting that "few motorists would feel free either to disobey a directive to pull over or to leave the scene of a traffic stop without being told they might do so.").
 - f. A consent to search given during an illegal detention is tainted by the illegality and is therefore ineffective. *Id.* At 507-08, 103 S.Ct. at 1329-30, 75 L.Ed.2d at 242-43; *Zavala*, 134 Idaho at 535-36, 5 P.3d at 996-97.
 - g. *State v. Gutierrez*, 137 Idaho 647, 51 P.3d 461 (Idaho App. 2002).
2. That Arredondo exceeded the scope of the Terry Search.
- a. A warrantless search is presumptively unreasonable unless it falls within certain special and well-delineated exceptions to the warrant requirement. *Coolidge v. New Hampshire*, 403 U.S. 443, 454-55, 91 S.Ct. 2022, 2031-

32, 29 L.Ed2d 564, 575-76 (1971); *State v. Ferreira*, 133 Idaho 474, 479, 988 P.2d 700, 705 (Ct.App. 1999). In *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed2d 889 (1968), the United States Supreme Court created a stop-and-frisk exception to the Fourth Amendment warrant requirement. The stop and the frisk constitute two independent actions, each requiring a specific justification. *State v. Babb*, 13 Idaho 890, 892, 994 P.2d 633, 635 (Ct.App. 2000); *State v. Fleenor*, 133 Idaho 552, 556, 989 P.2d 784, 788 (Ct.App. 1999).

- b. The stop is justified if there is a reasonable and articulable suspicion that the individual has committed or is about to commit a crime. *Florida v. Royer*, 460 U.S. 491, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983); *Terry*, 392 U.S. at 30, 88 S.Ct. At 1884, 20 L.Ed.2d at 911; *State v. DuVal*, 131 Idaho 550, 553, 961 P.2d 641 (1998); *Ferreira*, 133 Idaho at 479, 988 P.2d at 705. However, reasonable grounds to justify a lawful investigatory stop do not automatically justify a frisk for weapons. *Babb*, 133 Idaho at 892, 994 P.2d at 635. An officer may frisk an individual if the officer can point to specific and articulable facts that would lead a reasonably prudent person to believe that the individual with whom the officer is dealing may be armed and presently dangerous and nothing in the initial stages of the encounter serves to dispel this belief. *Terry*, 392 U.S. at 27, 88 S.Ct. At 1883, 20 L.Ed.2d at 909; *Babb*, 133 Idaho at 892, 994 P.2d at 635; *Fleenor*, 133 Idaho at 555, 989 P.2d at 787. In our analysis of a frisk, we

look to the facts known to the officer on the scene and the inferences of risk of danger reasonably drawn from the totality of those specific circumstances. *Babb*, 133 Idaho at 892, 994 P.2d at 635; *Fleenor*, 133 Idaho at 555, 989 P.2d at 787. See also *State v. Muir*, 116 Idaho 565, 567-68, 777 P.2d 1238, 1240-41 (Ct.App. 1989).

- c. A protective frisk is designed to allow the officer to conduct his investigation without fear of violence and must be strictly limited to that which is necessary for the discovery of weapons. *Minnesota v. Dickerson*, 508 U.S. 366, 373, 113 S.Ct. 2130, 2136, 124 L.Ed.2d 334, 344 (1993); *Terry*, 392 U.S. at 26, 88, S.Ct. At 1882, 20 L.Ed.2d at 908.
- d. In *Terry*, the officer conducted a limited frisk of the subject's outer clothing and did not place his hands into the pockets or under the outer surface of the garments until he felt weapons. In conducting a frisk for weapons, the officer need not be absolutely certain that the individual is armed in order for an officer's removal of an object to be constitutionally sound. *Fleenor*, 133 Idaho at 557, 989 P.2d at 789.

3. *State v. Watson*, 143 Idaho 840, 153 P.3d 1186 (Idaho App. 2007).

4. *State v. Faith*, 141 Idaho 728, 117 P.3d 142 (Idaho App. 2005).

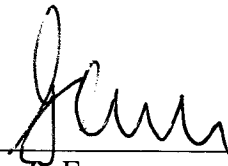
CONCLUSION

Based upon the facts and the foregoing applicable law, the Defendant respectfully requests the Court to:

1. Suppress the syringe and its contents found in Mr. Tyler's pocket as a result of the impermissible detainment and search.
2. Suppress all evidence found on Mr. Tyler after his arrest under the "Fruit of the poisonous tree" doctrine.

Oral argument is requested.

Dated this 7th day of April, 2011.

A handwritten signature in black ink, appearing to read 'G. Essma', written over a horizontal line.

George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing
Memorandum was delivered to the following on the 7 day of April, 2011,
by placing in the appropriate box at the Twin Falls County Courthouse.

/s/ Grant Loeb
Twin Falls County Prosecutor

Betsy Brown
Legal Secretary

148
OFFICE OF THE
PUBLIC DEFENDER
TWIN FALLS COUNTY
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
ISB# 3995

ORIGINAL
TWIN FALLS CO., IDAHO
FILED

2011 APR -7 PM 3:30

BY _____
CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 10-12574
)	
vs.)	
	)	NOTICE OF HEARING
BRENT TYLER,)	
)	
Defendant.)	
_____)	

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Tuesday, the 31st day of May, 2011, at the hour of 1:30 p.m. or as soon thereafter as counsel can be heard, the undersigned will call for a MOTION TO SUPPRESS hearing, in the above-entitled matter, before the Honorable G. Richard Bevan.

DATED this 7th day of April, 2011.

TWIN FALLS COUNTY PUBLIC DEFENDER



George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office,
on this 7 day of April, 2011.

Grant Loeb
Prosecuting Attorney

☒ Courthouse Mail

Betsy Brown
Betsy Brown
Legal Assistant

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 APR 21 AM 11:33

BY _____
CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	STATE'S <i>EX PARTE</i> MOTION TO
	)	CONTINUE MOTION TO SUPPRESS
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Julie Sturgill, Senior Deputy Prosecuting Attorney, and moves the above-entitled Court for an Order continuing the Motion to Suppress set for May 31, 2011 in the above-entitled action.

This motion is made for the following reasons:

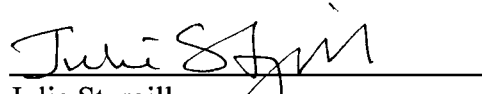
1. The State's key witness will be unavailable on May 31, 2011, the date the *Motion to Suppress* in this matter is currently scheduled. This testimony of this witness is

imperative to the State's case.

2. Defense counsel, George Essma, has been contacted and does not object to a continuance of this hearing.


Wherefore, the State respectfully requests that the Court enter an Order continuing the May 31, 2011 Motion to Suppress hearing in the above-entitled matter.

DATED this 21 day of April, 2011.


Julie Sturgill
Senior Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April, 2011, I served a copy of the foregoing **State's *Ex Parte* Motion to Continue the Motion to Suppress** thereof into the mail slot for **The Office of the Public Defender** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 APR 26 AM 11:14

BY _____

CLERK



DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

BRENT JACOB TYLER, JR.,

Defendant.

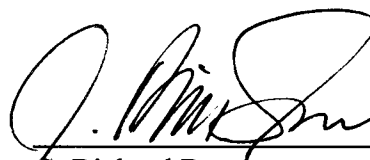
Case No. CR 10-12574

**ORDER GRANTING STATE'S
EX PARTE MOTION TO CONTINUE
MOTION TO SUPPRESS and
NOTICE OF HEARING**

Based upon the State's Ex Parte Motion to Continue Motion to Suppress and good cause appearing,

IT IS HEREBY ORDERED that the Motion to Suppress currently set for May 31, 2011 in the above-entitled action be continued to the 16 day of May, 2011, at the hour of 2:30 p.m.

DATED this 26 day of April, 2011.



G. Richard Bevan
District Judge

ORIGINAL

CERTIFICATE OF SERVICE

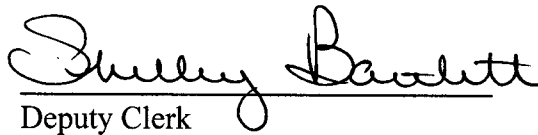
I hereby certify that on the 26 day of April, 2011, I served a copy of the foregoing
**ORDER GRANTING STATE'S *EX PARTE* MOTION TO CONTINUE MOTION TO
SUPPRESS and NOTICE OF HEARING**
thereof to the following:

**Julie Sturgill
Senior Deputy Prosecuting Attorney**

[✓] Court Folder

**The Office of the Public Defender
Attorney for Defendant**

[✓] Court Folder


Deputy Clerk

148
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 MAY 13 AM 10:09

BY CLERK
 DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Jill C. Sweesy, Senior Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of audio recording of Officer Arredondo..

The State reserves the right to supplement discovery as information becomes available.

DATED this 12th day of May, 2011

Jill C. Sweesy
Jill C. Sweesy
Senior Deputy Prosecuting Attorney

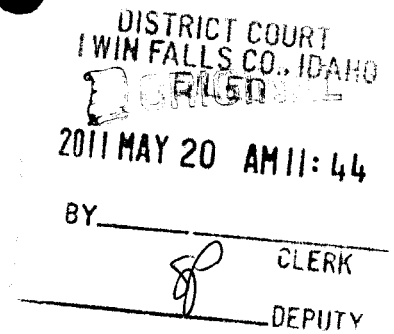
CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2011, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

OFFICE OF THE
PUBLIC DEFENDER
TWIN FALLS COUNTY
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
ISB# 3995



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 10-12574
)	
vs.	)	AMENDED
	)	NOTICE OF HEARING
BRENT TYLER,)	
)	
Defendant.)	
_____)	

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Monday, the 27th day of June, 2011, at the hour of
11:00 a.m. or as soon thereafter as counsel can be heard, the undersigned will call for a
MOTION TO SUPPRESS hearing, in the above-entitled matter, before the Honorable G.
Richard Bevan.

DATED this 20th day of May, 2011.

TWIN FALLS COUNTY PUBLIC DEFENDER

George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office,
on this 20 day of May, 2011.

Grant Loeb
Prosecuting Attorney

☒ Courthouse Mail

Betsy Brown
Betsy Brown
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JUN 14 AM 11:01

STATE OF IDAHO,
Plaintiff.

vs.

Brent Jacob Tyler Jr.
3980 N 1800 E
Buhl, ID 83316
Defendant.

DOB: [REDACTED]
DL: [REDACTED] ID

CASE NO: CR-2010-0012574

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Motion to Suppress Monday, June 27, 2011 11:00 AM
Judge: Honorable G. Richard Bevan

Pretrial Conference Monday, July 11, 2011 11:00 AM
Judge: Honorable G. Richard Bevan

Jury Trial Tuesday, July 19, 2011 09:00 AM
Judge: Honorable G. Richard Bevan

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Tuesday, June 14, 2011.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Brody, Butler, Crabtree, Elgee, Higer, Hurlbutt, Meehl, St. Clair, Stoker, Wildman and Wood.

Private Counsel:
Marilyn Paul
Twin Falls Public Defender
P.O. Box 126
Twin Falls ID 83303-0126

Mailed _____ Box ☒

Prosecutor: Grant Loebbs

Mailed _____ Box ☒

Dated: Tuesday, June 14, 2011
Kristina Glascock --Clerk of the District Court

By: Shelley D. [Signature]
Deputy Clerk

NOTICE OF HEARING

000124

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 JUN 16 PM 3:17

BY _____

CLERK

DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)

Plaintiff,)

vs.)

BRENT JACOB TYLER, JR.,)


Defendant.)

Case No. CR 10-12574

**MOTION TO DISQUALIFY
ALTERNATE JUDGE**

COMES NOW, the Twin Falls County Prosecuting Attorney's Office, by and through its Attorney of Record, Grant P. Loeb, Prosecuting Attorney, and moves to disqualify alternate Judge Robert J. Elgee in the above-entitled case. Pursuant to I.C.R. 25 this motion to disqualify is made without cause.

DATED this 15th day of June, 2011.


Grant P. Loeb
Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2011, I served a copy of the foregoing **MOTION TO DISQUALIFY ALTERNATE JUDGE** thereof into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Willie Coker
Legal Assistant

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 17 2011 10:12am

By [Signature] Clerk
Deputy Clerk

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 10-12574
)	
Plaintiff,)	
)	
vs.	)	ORDER OF DISQUALIFICATION
	)	OF ALTERNATE JUDGE
BRENT JACOB TYLER, JR.,)	
)	
Defendant.)	

Based on the State's *Motion to Disqualify Alternate Judge* and pursuant to I.C.R. 25,
IT IS HEREBY ORDERED that Judge Robert J. Elgee be disqualified as alternate judge
in the above-entitled case.

DATED this 17 day of June, 2011.

[Signature]
G. Richard Bevan
District Judge

ORDER OF DISQUALIFICATION OF ALTERNATE JUDGE

ORIGINAL

CERTIFICATE OF SERVICE

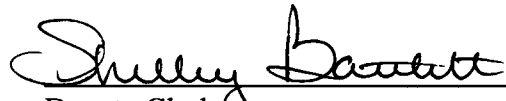
I hereby certify that on the 17 day of June, 2011, I served a copy of the foregoing
ORDER OF DISQUALIFICATION OF ALTERNATE JUDGE thereof to the following:

**Grant P. Loebis
Prosecuting Attorney**

[4] **Court Folder**

**The Office of the Public Defender
Attorney for Defendant**

[4] **Court Folder**


Deputy Clerk

ORDER OF DISQUALIFICATION OF ALTERNATE JUDGE

JUN 27 2011 1:05 pm

By SH Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT

COURT MINUTES

CR-2010-0012574

State of Idaho vs. Brent Jacob Tyler Jr.

Hearing type: Motion to Suppress

Hearing date: 6/27/2011

Time: 11:00 am

Courtroom: 1

Judge: G. Richard Bevan by B. Wood

Court reporter: Virginia Bailey

Minutes Clerk: Shelley Bartlett

Defense Attorney: Marilyn Paul

Prosecutor: Grant Leeks

George Essma

Jill Sweesy

11:52 Court called the case and reviewed the file. State's Exhibit 1, copy of CD that will be used for today's hearing was marked.

11:55 State's 1st witness, Timothy Arredondo was called to the stand. Officer Arredondo was duly sworn and examined by Ms. Sweesy.

11:56 Objection by Mr. Essma; hearsay; argument; question withdrawn.

12:10 Ms. Sweesy offered the admission of State's Exhibit 1 and there was no objection to the exhibit by Mr. Essma. **State's Exhibit 1 is admitted.**

12:10 Mr. Essma cross examined.

12:18 Ms. Sweesy conducted re-direct examination.

12:19 Court questioned the witness.

12:20 Witness stepped down.

12:21 Defendant, Brent Jacob Tyler, Jr. was called to the stand. Mr. Tyler was duly sworn and examined by Mr. Essma.

12:27 No questions from the State.

12:27 Witness stepped down.

12:28 Ms. Sweesy gave argument.

12:34 Mr. Essma gave argument.

12:40 Ms. Sweesy gave final comment.

12:45 Court gave findings. Search is illegal as beyond the term of a pat down. Motion to suppress is granted.

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JUL 11 AM 11:38

BY _____ CLERK

DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

BRENT TYLER,

Defendant.

Case No. CR-2010-12574

**ORDER GRANTING
MOTION TO SUPPRESS**

THIS MATTER came before the Honorable R. Barry Wood on Monday, June 27, 2011. The defendant was present, together with his counsel, George Essma. The state of Idaho was represented by Jill Sweesy. The court heard evidence and thereafter made findings on the record. Based upon those findings, the defendant's Motion to Suppress is hereby GRANTED.

DATED This 11TH day of July, 2011.


G. RICHARD BEVAN
District Judge

CERTIFICATE OF SERVICE

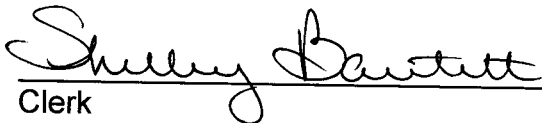
I hereby certify that on the 11 day of July, 2011, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Jill Sweesy, Deputy
Twin Falls County Prosecutor

☐ U.S. Mail
☐ Hand delivered
☐ Faxed
☒ Court Folder

George Essma, Deputy
Public Defender

☐ U.S. Mail
☐ Hand delivered
☐ Faxed
☒ Court Folder


Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
2011 JUL 11 AM 11:50

STATE OF IDAHO,
Plaintiff.
vs.
Brent Jacob Tyler Jr.
3980 N 1800 E
Buhl, ID 83316
Defendant.
DOB: [REDACTED]
DL: [REDACTED] ID

BY: [Signature] CLERK
CASE NO: CR-2010-0012574 DEPUTY

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Status Monday, August 29, 2011 09:30 AM
Judge: Honorable G. Richard Bevan

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, July 11, 2011.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Brody, Butler, Crabtree, Elgee, Higer, Hurlbutt, Meehl, St. Clair, Stoker, Wildman and Wood.

Defendant: Brent Jacob Tyler Jr.

Mailed _____ Hand Delivered _____

Private Counsel:
Marilyn Paul
Twin Falls Public Defender
P.O. Box 126
Twin Falls ID 83303-0126

Mailed _____ Box ☒

Prosecutor: Grant Loebbs

Mailed _____ Box ☒

Dated: Monday, July 11, 2011
Kristina Glascock --Clerk of the District Court

By: [Signature]
Deputy Clerk

NOTICE OF HEARING

000133

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 11 2011 11:48 am

By SPD Clerk SPD
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT

COURT MINUTES

CR-2010-0012574

State of Idaho vs. Brent Jacob Tyler Jr.

Hearing type: Pretrial Conference

Hearing date: 7/11/2011

Time: 11:04 am

Courtroom: 1

Judge: G. Richard Bevan

Court reporter: Virginia Bailey

Minutes Clerk: Shelley Bartlett

Defense Attorney: George Essma

Prosecutor: Jill Sweesy

11:07 Court called the case.

11:07 Ms. Sweesy informed the court that the case will not be going to trial at this time.

11:08 Mr. Essma gave comment.

11:10 Trial is vacated, status hearing is set for 8-29-2011 at 9:30 am.

LAWRENCE G. WASDEN
Attorney General
State of Idaho

STEPHEN A. BYWATER
Deputy Attorney General
Chief, Criminal Law Division

KENNETH K. JORGENSEN
Idaho State Bar # 4051
Deputy Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JUL 22 PM 3:22

BY _____ CLERK

se _____ DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

STATE OF IDAHO

Plaintiff-Appellant,

vs.

BRENT TYLER,

Defendant-Respondent.

)
)
) Case No. CR-2010-12574
)
) NOTICE OF APPEAL
)
)
)
)
)
)

TO: BRENT TYLER, THE ABOVE-NAMED RESPONDENT,
GEORGE ESSMA, TWIN FALLS PUBLIC DEFENDER'S OFFICE, P.O. BOX
126, TWIN FALLS, IDAHO 83303-0126, AND THE CLERK OF THE ABOVE-
ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, State of Idaho, appeals against the
above-named respondent to the Idaho Supreme Court from the ORDER

NOTICE OF APPEAL - 1

GRANTING MOTION TO SUPPRESS, entered in the above-entitled action on the 11th day of July 2011, The Honorable G. Richard Bevan, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(c)(7), I.A.R.

3. Preliminary statement of the issue on appeal: Whether the district court erred when it held that a pat search of the defendant's shirt pocket exceeded the proper scope of a *Terry* frisk because the defendant wore an open jacket and therefore the search was not of the "outer clothing" subject to frisk.

4. To undersigned's knowledge, no part of the record has been sealed.

5. The appellant requests the preparation of the following portions of the reporter's transcript: Hearing on Motion to Suppress held June 27, 2011 (Virginia Bailey, court reporter, estimated length of transcript not shown in register of actions or minutes).

6. Appellant requests the normal clerk's record pursuant to Rule 28, I.A.R.

7. I certify:

(a) That a copy of this notice of appeal is being served on each reporter of whom a transcript has been requested as named below at the address set out below:

VIRGINIA BAILEY
Court Reporter
PO Box 126
Twin Falls, Idaho 83303-0126

NOTICE OF APPEAL - 2

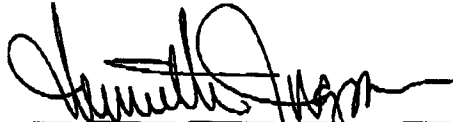
(b) That arrangements have been made with the Twin Falls County Prosecuting Attorney who will be responsible for paying for the reporter's transcript;

(c) That the appellant is exempt from paying the estimated fee for the preparation of the record because the State of Idaho is the appellant (Idaho Code § 31-3212);

(d) That there is no appellate filing fee since this is an appeal in a criminal case (I.A.R. 23(a)(8));

(e) That service is being made upon all parties required to be served pursuant to Rule 20, I.A.R.

DATED this 22nd day of July 2011.


KENNETH K. JORGENSEN
Deputy Attorney General
Attorney for the Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 22nd day of July 2011, caused a true and correct copy of the attached NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:


THE HONORABLE G. RICHARD BEVAN
Twin Falls District Court
P.O. Box 126
Twin Falls, Idaho 83303-0126

GEORGE ESSMA,
Twin Falls Public Defender's Office
P.O. Box 126
Twin Falls, Idaho 83303-0126

JILL C. SWEESY
Twin Falls Prosecutor's Office,
P.O. Box 126
Twin Falls, Idaho 83303-0126

HAND DELIVERY

MR. STEPHEN W. KENYON
CLERK OF THE COURTS
P.O. Box 83720
Boise, Idaho 83720-0101


KENNETH K. JORGENSEN
Deputy Attorney General

KKJ/pm

NOTICE OF APPEAL - 4

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 JUL 27 PM 3:19

STATE OF IDAHO,

Plaintiff/Appellant,

vs

BRENT JACOB TYLER,

Defendant/ Respondent.

BY _____ CLERK

CASE NO. CR 10-12574 *pc* DEPUTY

CLERK'S CERTIFICATE
OF APPEAL

APPEAL FROM: Fifth Judicial District, Twin Falls County.
Honorable G. Richard Bevan, presiding

CASE NUMBER FROM COURT: CR 10-12574

APPEAL AGAINST: The above named Appellant, State of Idaho, appeals from the
Order Granting Motion to Suppress which was entered in the above-entitled matter on
July 11, 2011.

ATTORNEY FOR RESPONDENT: Lawrence Wasden

ATTORNEY FOR APPELLANT: George Essma, Twin Falls County Deputy
Public Defender

APPEALED BY: State of Idaho

APPEALED AGAINST: Brent Jacob Tyler

NOTICE OF APPEAL FILED: July 22, 2011

AMENDED APPEAL FILED:

NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

ESTIMATED CLERK'S RECORD FEE PAID: exempt

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
RECORD FILED:

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
REPORTER'S TRANSCRIPT FILED:

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED: Yes

Motion to Suppress Hearing, June 27, 2011

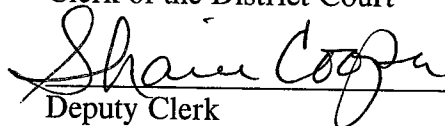
ESTIMATED NUMBER OF PAGES: _____.

IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:

NAME AND ADDRESS: Virginia Bailey, P. O. Box 126, Twin Falls, ID 83303-0126

DATED: July 27, 2011

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

CHANGE COURT ADDRESS FORM
TWIN FALLS CO. IDAHO
FILED

DATE 7/25/11 2011 JUL 28 PM 2:30 CASE # CR10-12574

EFFECTIVE 7-18-11 BY BRENT J TYLER CLERK HAS
BY DEPUTY

REGISTERED A CHANGE OF ADDRESS WITH THE MAGISTRATE
PROBATION DEPT. ADDRESS: 1335 -7TH AVE -E

PHONE: 734-9863 TF, I.D.
83301

Brent J Tyler
PROBATIONER

T. Mall
PROBATION OFFICER

148
OFFICE OF THE
PUBLIC DEFENDER
TWIN FALLS COUNTY
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
ISB# 3995

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED
ORIGINAL
2011 AUG 12 AM 9: 27
BY _____
CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

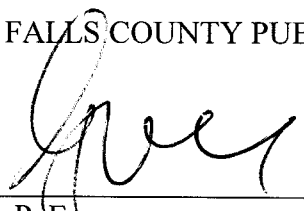
STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 10-12574
)	
vs.)	
	)	NOTICE OF HEARING
BRENT TYLER,)	
)	
Defendant.)	
_____)	

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Monday, the 29th day of August, 2011, at the hour of
9:30 a.m. or as soon thereafter as counsel can be heard, the undersigned will call for a MOTION
TO RELEASE FROM COURT COMPLIANCE hearing, in the above-entitled matter, before the
Honorable G. Richard Bevan.

DATED this 12th day of August, 2011.

TWIN FALLS COUNTY PUBLIC DEFENDER



George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office,
on this 12 day of August, 2011.

Grant Loebbs
Prosecuting Attorney

☒ Courthouse Mail

Betsy Brown
Betsy Brown
Legal Assistant

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IDAHO COURT OF APPEALS

2011 AUG -2 AM 11:18

P.O. Box 83720
Boise, Idaho 83720-0101

BY _____ CLERK
PC _____ DEPUTY

KRISTINA GLASCOCK, CLERK
Attn: SHARIE COOPER
TWIN FALLS COUNTY COURTHOUSE
PO BOX 126
TWIN FALLS, ID 83303-0126

NOTICE OF APPEAL FILED (T)

Docket No. 39014-2011 STATE OF IDAHO v. Twin Falls County District Court
BRENT JACOB TYLER #2010-12574

A NOTICE OF APPEAL in the above-entitled matter was filed in this office on JULY 29, 2011. The DOCKET NUMBER shown above will be used for this appeal regardless of eventual Court assignment.

The CLERK'S RECORD and REPORTER'S TRANSCRIPT(S) must be filed in this office on or before OCTOBER 5, 2011.

The REPORTER'S TRANSCRIPT(S) MUST BE LODGED with the District Court Clerk or Agency **35 DAYS PRIOR** to the date of filing in this office.

THE REPORTER SHALL FILE A NOTICE OF LODGING WITH THIS COURT.

THE FOLLOWING TRANSCRIPTS (PURSUANT TO I.A.R. 25) SHALL BE LODGED:

MOTION TO SUPPRESS 6-27-11

For the Court:
Stephen W. Kenyon
Clerk of the Courts

07/29/2011 DB

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



IDAHO COURT OF APPEALS

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED P.O. Box 83720
Boise, Idaho 83720-0101

2011 AUG -8 AM 11:01

BY _____
CLERK
DEPUTY

KRISTINA GLASCOCK, CLERK
Attn: SHARIE COOPER
TWIN FALLS COUNTY COURTHOUSE
PO BOX 126
TWIN FALLS, ID 83303-0126

CLERK'S CERTIFICATE FILED

Docket No. 39014-2011 STATE OF IDAHO v. Twin Falls County District Court
BRENT JACOB TYLER #2010-12574

Enclosed is a copy of the CLERK'S CERTIFICATE for the above-entitled appeal, which was filed in this office on AUGUST 3, 2011.

Please carefully examine the TITLE and the CERTIFICATE and advise the District Court Clerk (or the Agency secretary, if applicable) AND this office of any errors detected on this document.

The TITLE in the CERTIFICATE must appear on all DOCUMENTS filed in this Court, including all BRIEFS. An abbreviated version of the TITLE may be used if it clearly identifies the parties to this appeal when the title is extremely long.

For the Court:
Stephen W. Kenyon
Clerk of the Courts

08/04/2011 DB

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2011 AUG - 3 A 9 21

STATE OF IDAHO,

Plaintiff/Appellant,

vs

BRENT JACOB TYLER,

Defendant/ Respondent.

CASE NO. CR 10-12574

CLERK'S CERTIFICATE
OF APPEAL

Supreme Court No. 39014

APPEAL FROM: Fifth Judicial District, Twin Falls County.
Honorable G. Richard Bevan, presiding

CASE NUMBER FROM COURT: CR 10-12574

APPEAL AGAINST: The above named Appellant, State of Idaho, appeals from the
Order Granting Motion to Suppress which was entered in the above-entitled matter on
July 11, 2011.

ATTORNEY FOR RESPONDENT: George Essma, Twin Falls County Deputy
Public Defender

ATTORNEY FOR APPELLANT: Lawrence Wasden

APPEALED BY: State of Idaho

APPEALED AGAINST: Brent Jacob Tyler

NOTICE OF APPEAL FILED: July 22, 2011

AMENDED APPEAL FILED:

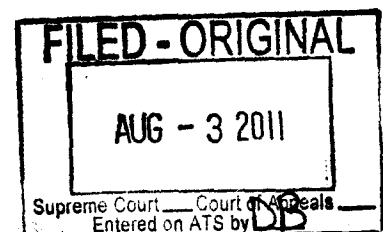
NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

ESTIMATED CLERK'S RECORD FEE PAID: exempt

CLERK'S CERTIFICATE OF APPEAL - 1



RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
RECORD FILED:

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
REPORTER'S TRANSCRIPT FILED:

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED: Yes

Motion to Suppress Hearing, June 27, 2011

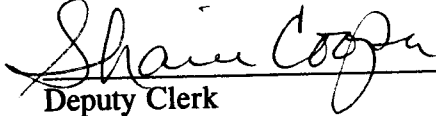
ESTIMATED NUMBER OF PAGES: _____.

IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:

NAME AND ADDRESS: Virginia Bailey, P. O. Box 126, Twin Falls, ID 83303-0126

DATED: July 27, 2011

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

148
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
Twin Falls County
P.O. Box 126
Twin Falls, ID 83303-0126
(208) 734-1155
ISB# 3995

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2011 ORIGINAL 9:27

BY _____

CLERK

DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO)

Plaintiff,)

vs.)

BRENT TYLER,)

Defendant.)

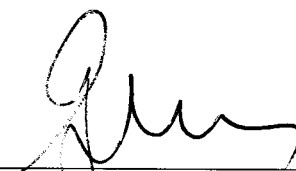
Case No. CR 10-12574

MOTION TO RELEASE DEFENDANT
FROM COURT COMPLIANCE

COMES NOW the above-named Defendant, by and through his attorney, George P. Essma, Deputy Public Defender, and moves this Honorable Court for an order releasing the Defendant from Court Compliance.

A hearing is requested in this matter.

DATED this 12th day of August, 2011.


George P. Essma
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion was placed in the County Prosecutor's file in Magistrate Court on the 12 day of August, 2011.

OFFICE OF THE
PROSECUTING ATTORNEY

☐ Hand Deliver
☒ Courthouse Mail

OFFICE OF THE
PUBLIC DEFENDER

☐ Hand Deliver
☒ Courthouse Mail

COURT COMPLIANCE

☐ Hand Deliver
☒ Courthouse Mail

Betsy Brown

DISTRICT COURT
TWIN FALLS CO. IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2011 AUG 29 AM 10:53

JUDGE BEVAN
CLERK S. BARTLETT
REPORTER VIRGINIA BAILEY
COURTROOM 1

CASE # CR-2010-0012574
DATE 8/29/2011 CLERK
TIME 09:30 AM DEPUTY
CD 10-40

STATE OF IDAHO,
VS.

BRENT JACOB TYLER JR.

☐ DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

☐ ARRAIGNMENT ☒ STATUS ☐ ENTRY OF PLEA ☐ BOND ☐ CHANGE OF PLEA

APPEARANCES:

☒ Defendant Resent ☒ Prosecutor Julie Sturgill
☒ Def. Counsel George Essma ☐ Other _____

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

- ☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☐ Defendant is advised of the effect of a guilty plea and the maximum penalties
☐ Defendant indicated that he/she understands rights and penalties
☐ Waived reading of the "Information" ☐ Name verified ☐ Public Defender is confirmed/appointed

☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court

State's Attorney: _____
of days for trial _____ Pre-Trial _____ Jury Trial _____
Discovery Cutoff _____ Status Hearing _____

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to _____ Pled to _____
Counts to be Dismissed _____

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty ☐ Plea/Offer Filed
Sentencing Date _____

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval
☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval _____
☐ Drug Court recommended Status Date _____

BOND HEARING: ☐ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☐ Bond re-set to _____
Conditions of Release: ☐ Court Compliance ☐ Curfew of _____ ☐ Remain on Probation
☐ Reside at _____ ☐ _____ Random UAs per week

Other: Mr. Essma gave argument on Motion. Ms. Sturgill gave argument.
Court granted order

OFFICE OF THE
PUBLIC DEFENDER
Twin Falls County
P.O. Box 126
Twin Falls, ID 83303-0126
(208) 734-1155

DISTRICT COURT
TWIN FALLS CO. IDAHO
ORIGINAL

2011 SEP -1 AM 10:32

CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO)

Plaintiff,)

vs.)

BRENT TYLER,)

Defendant.)

Case No. CR 10-12574

ORDER

Based on oral argument and good cause appearing therefore;

IT IS HEREBY ORDERED that the Defendant is released from the Court Compliance
Program as of September 5, 2011.

DATED this 1 day of ~~August~~^{Sept.}, 2011.


Judge

Order

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing ORDER was placed in the County Prosecutor's file in Magistrate Court on the 1 day of Sept, 2011.

OFFICE OF THE
PROSECUTING ATTORNEY

☐ Hand Deliver
☒ Courthouse Mail

OFFICE OF THE
PUBLIC DEFENDER

☐ Hand Deliver
☒ Courthouse Mail

COURT COMPLIANCE

☐ Hand Deliver
☒ Courthouse Mail

Shelley Barrett

TO: CLERK OF THE COURT
IDAHO SUPREME COURT
P. O. BOX 83720
BOISE, IDAHO 83720-0101

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2011 SEP -6 AM 9:36

BY CLERK
 DEPUTY

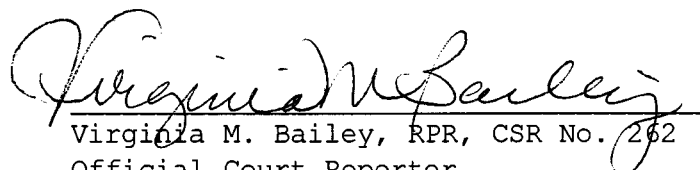
STATE OF IDAHO,)	
)	
Respondent,)	
)	
vs.	)	DOCKET NO. 39014-2011
)	
BRENT JACOB TYLER, JR.,)	
)	
Appellant.)	
_____)	

NOTICE OF REPORTER'S TRANSCRIPT LODGED

NOTICE IS HEREBY GIVEN that on September 6, 2011, I
lodged a REPORTER'S TRANSCRIPT ON APPEAL of 63 pages in length,
in the above-entitled appeal, with the Clerk of the District
Court, County of TWIN FALLS, in the Fifth Judicial District.

Hearings Lodged:

June 27, 2011 Motion to Suppress


Virginia M. Bailey, RPR, CSR No. 262
Official Court Reporter
Fifth Judicial District
State of Idaho

NOTICE OF REPORTER'S TRANSCRIPT LODGED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

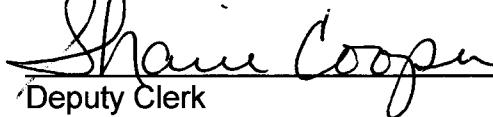
STATE OF IDAHO,)	
	)	SUPREME COURT NO. 39014-2011
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 10-12574
)	
vs.)	
	)	CLERK'S CERTIFICATE
BRENT JACOB TYLER,)	
)	
Defendant/Appellant,)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the foregoing CLERK'S RECORD on Appeal in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I do further certify that all exhibits, offered or admitted in the above-entitled cause, will be duly lodged with the Clerk of the Supreme Court.

WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of September, 2011.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 39014-2011
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 10-12574
)	
vs.	)	CERTIFICATE OF EXHIBITS
)	
BRENT JACOB TYLER,)	
)	
<u>Defendant/Appellant,</u>)	

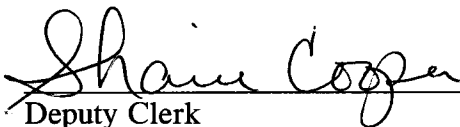
I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify:

That the following is a list of exhibits to the record that have been filed during the course of this case.

State's Exhibit 1, CD

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of September, 2011.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 39014-2011
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 10-12574
)	
vs.	)	CERTIFICATE OF SERVICE
)	
BRENT JACOB TYLER,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that I have personally served or mailed, by United States Mail, one copy of the CLERK'S RECORD and REPORTER'S TRANSCRIPT to each of the Attorneys of Record in this cause as follows:

LAWRENCE WASDEN
Attorney General
Statehouse Mail Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

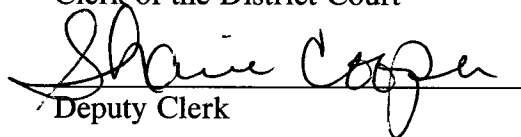
GEORGE ESSMA
Twin Falls County Deputy Public Defender
P. O. Box 126
Twin Falls, Idaho 83303-0126

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said this 14th day of September, 2011.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk